Supreme Court, U.S.
FILED
2001

No. 00-1249

In the
Supreme Court of the United States

CAREN CRONK THOMAS and WINDY CITY HEMP DEVELOPMENT BOARD,

Petitioners,

vs.

CHICAGO PARK DISTRICT,

Respondent.

On Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

JOINT APPENDIX

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PETITION FOR CERTIORARI FILED JANUARY 30, 2001
CERTIORARI GRANTED MAY 29, 2001

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U.S. District Court
Northern District of Illinois (Chicago)

CIVIL DOCKET FOR CASE #: 97-CV-2963

MacDonald v. Chgo Pk Dist
Filed: 04/25/97
Assigned to: Hon. George M. Marovich
Demand: $0,000
Nature of Suit: 440
Lead Docket: None
Jurisdiction: Federal Question
Dkt# in other court: None

Cause: 42:1983 Civil Rights Act

ROBERT MACDONALD plaintiff	Gregory Nathan Freerksen Wayne B. Giampietro Witwer, Poltrock & Giampietro 125 South Wacker Drive Suite 2700 Chicago, IL 60606 (312) 332-6000 Richard J. Wilson Attorney at Law 3610 Dubsdred Circle Orlando, FL 32004 (407) 649-9225

v. CHICAGO PARK DISTRICT, a body
political and corporate,

defendant

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Docket as of November 20, 2000 10:34 pm

Proceedings include all events.
TERMED
1:97cv2963 MacDonald v. Chgo Pk Dist
KEYS

4/25/97	1	COMPLAINT - Civil cover sheet - Appearance(s) of Richard J. Wilson, Wayne B. Giampietro, Gregory Nathan Freerksen as attorney(s) for Robert MacDonald (Original and one copy of summons(es) issued.) (Documents: 1-1 through 1-3) (ar) [Entry date 04/29/97]
4/25/97	--	RECEIPT regarding payment of filing fee paid; on 4/25/97 in the amount of $ 150.00, receipt # 492102. (ar) [Entry date 04/29/97]

4/25/97	2	EMERGENCY APPLICATION by plaintiff for preliminary injunction; Notice of motion (ar) [Entry date 05/01/97]
4/25/97	3	MEMORANDUM of law by plaintiff in support of emergency application for preliminary injunction [2-1] (ar) [Entry date 05/01/97]
4/29/97	4	ATTORNEY APPEARANCE for Chgo Pk Dist by Steven A. Weiss, Kevin Thomas Kerns (ar) [Entry date 05/01/97]
5/2/97	5	VERIFIED ANSWER by Chgo Pk Dist and affirmative defenses; Notice of filing (ar) [Entry date 05/06/97]
5/2/97	6	MOTION by defendant to strike or deny plaintiff's emergency motion for preliminary injunction or to compel deposition (Attachments); Notice of motion (ar) [Entry date 05/06/97]
5/2/97	7	WITNESS list by defendant; Notice of filing (ar) [Entry date 05/06/97]
5/2/97	--	ORAL MOTION by defendant to file their response to plaintiff's emergency application for preliminary

injunction in excess of 15 page, but limited to 25 pages (ar)
[Entry date 05/06/97]

5/2/97 8 MINUTE ORDER of 5/2/97 by Hon. Arlander Keys : Defendant's motion to strike [6-1] or deny plaintiff's emergency motion for preliminary injunction [6-2] or to compel deposition [6-3] is granted in part and denied in part. Plaintiff is to be made available for deposition of 05/05/97 at 10:00 am. Defendant's response to plaintiff's emergency application [2-1] for preliminary injunction is due 5/5/97 and hearing on said motion [2-1] is set for 05/06/97 at 9:00 am. Both parties are to submit their witness lists no later than 05/02/97. Oral motion by defendant to file their response to plaintiff's emergency application for preliminary in excess of 15 pages, but limited to 25 pages [0-1] is granted. Mailed notice (ar) [Entry date 05/06/97]

5/5/97 10 MEMORANDUM by defendant in opposition to motion for preliminary injunction [2-1]; Notice of filing (ar) [Entry date 05/08/97]

5/6/97 -- SCHEDULE set on 5/6/97 by Hon. George M. Marovich : Status hearing set for 6/17/97 at 9:30 am Mailed notice (js) [Entry date 05/06/97]

5/6/97 9 MINUTE ORDER of 5/6/97 by Hon. Arlander Keys : Hearing on plaintiff's emergency application for preliminary injunction [2-1] held and concluded. Ruling to be made by mail. Plaintiff's motion to admit Richard Wilson, 3610 Dubsdread Circle, Orlando, Florida 32004, pro hac vice is granted. Mailed notice (ar) [Entry date 05/08/97] [Edit date 05/08/97]

5/6/97 11 STIPULATION by plaintiff regarding user fee, security deposit and insurance requirements of the Chicago Park District; Notice of filing (ar) [Entry date 05/08/97]

5/6/97 12 MOTION by plaintiff to admit counsel pro hac vice (ar) [Entry date 05/08/97]

5/6/97 13 AFFIDAVIT of Richard L. Wilson regarding plaintiff's motion to admit counsel pro hac vice [12-1] (ar) [Entry date 05/08/97]

5/7/97	14	REFERRAL ORDER of 05/06/97: Referring to Hon. Arlander Keys pursuant to General Rule 2.41(b) to conduct hearings and enter appropriate orders on the following pretrial motion/matter: to perform such additional duties as are not inconsistent with the Constitution and laws of the United States, specifically, prepare a report and recommendation on plaintiff's emergency motion for preliminary injunction [2-1]. (For further detail see order.) Mailed notice (ar) [Entry date 05/12/97]
5/8/97	--	MAILED Rule 3.12 instruction and pro hac vice form to Richard J. Wilson together with copy of minute order dated 05/06/97 [9-1] (ar) [Entry date 05/08/97]
5/9/97	15	REPORT AND RECOMMENDATION regarding plaintiff's emergency application for preliminary injunction [2-1] (ar) [Entry date 05/12/97]
5/9/97	16	MINUTE ORDER of 5/9/97 by Hon. Arlander Keys : Report and Recommendation regarding plaintiff's emergency application for preliminary injunction [2-1], pursuant to Federal Rule

		of Civil Procedure 65, is hereby submitted to Judge Marovich. All matters relating to the referral of this action having been resolved, the case is returned to the assigned District Judge. Terminating case referral. Mailed notice (ar) [Entry date 05/12/97]
5/21/97	--	SCHEDULE set on 5/21/97 by Hon. George M. Marovich : Status hearing date of June 17, 1997 is reset to 7/1/97 at 9:30 am. Mailed notice (js) [Entry date 05/21/97]
5/23/97	17	SECOND APPLICATION by plaintiff for preliminary injunction ; Notice of motion (eav) [Entry date 05/30/97]
5/28/97	--	SCHEDULE set on 5/28/97 by Hon. Arlander Keys : Status hearing set to 9:00 5/29/97. Telephoned notice (vkd) [Entry date 05/28/97]
5/28/97	18	MINUTE ORDER of 5/28/97 by Hon. George M. Marovich : Plaintiff's second application for preliminary injunction is referred to the magistrate judge for a report and recommendation [17-1], [2-1] Telephoned notice (eav)

[Entry date 05/30/97]

5/29/97 19 MINUTE ORDER of 5/29/97 by Hon. Arlander Keys : Status hearing held and continued to - 07/14/97 at 9:00 a.m. Plaintiff to file its memorandum in support of its second application for preliminary injunction by 06/12/97. Defendant's response due 06/27/97. [17-1], [2-1] Reply, if any, due by 07/07/97. No notice (eav) [Entry date 05/30/97]

5/30/97 20 REFERRAL ORDER of 05/28/97: Case referred to Magistrate Judge Arlander Keys pursuant to local General Rule 2.41(b) to conduct hearings and enter appropriate orders on the following pretrial motion/matter: Perform such additional duties as are not inconsistent with the Constitution and laws of the United States, Prepare a report and recommendation on plaintiff's second application for a preliminary injunction. (For further details see order.) Mailed notice (eav) [Entry date 06/02/97]

5/30/97 21 MINUTE ORDER of 5/30/97 by Hon. George M. Marovich : No objections having been filed to the

magistrate judge's report and recommendation of 05/09/97, the court hereby adopts the magistrate-judge's report and recommendation. Plaintiff's emergency application for preliminary injunction is denied. [2-1] Status hearing date of 06/17/97 is stricken pending disposition of the second motion for preliminary injunction. Mailed notice (eav) [Entry date 06/03/97]

6/12/97 22 MOTION by plaintiff for leave to file memorandum in excess of fifteen pages ; Notice of motion (eav) [Entry date 06/16/97]

6/13/97 23 MINUTE ORDER of 6/13/97 by Hon. Arlander Keys: Plaintiff's motion for leave to file memorandum in excess of fifteen pages is granted. [22-1] Plaintiff's supplemental memorandum of law in support of amended second application for preliminary injunction is not to exceed twenty-five pages. Defendant's response is not to exceed twenty-five pages. Mailed notice (eav) [Entry date 06/16/97]

6/13/97 24 SUPPLEMENTAL MEMORANDUM by plaintiff of law in support of

amended second application for preliminary injunction (Exhibits) (eav) [Entry date 06/16/97]

7/1/97 25 JOINT EMERGENCY MOTION by plaintiff, defendant to reset briefing schedule (Attachments); Emergency notice of motion (eav) [Entry date 07/03/97]

7/2/97 26 CONSENT to exercise of jurisdiction by a United States Magistrate to hear motion for preliminary injunction by plaintiff, defendant (eav) [Entry date 07/03/97]

7/2/97 27 MINUTE ORDER of 7/2/97 by Hon. Arlander Keys : Joint emergency motion to reset briefing schedule is granted. [25-1] Defendant's response to plaintiff's second motion for preliminary injunction is due by close of business on 7/3/97. [17-1] Reply is due 7/11/97. Mailed notice (eav) [Entry date 07/03/97]

7/3/97 28 MEMORANDUM by defendant in opposition to second motion for preliminary injunction [17-1] (Attachments); Notice of filing (eav) [Entry date 07/07/97]

7/11/97 29 REPLY memorandum of law by

plaintiff Robert MacDonald in support of amended second application for preliminary injunction [17-1] (Attachment); Notice of filing (cmf) [Entry date 07/14/97]

7/14/97 -- ORAL MOTION by defendant for leave to file a sur-reply (eav) [Entry date 07/16/97]

7/14/97 30 MINUTE ORDER of 7/14/97 by Hon. Arlander Keys : Status hearing held. Over plaintiff's objection, defendant's oral motion [0-1] for leave to file a sur-reply to plaintiff's amended second application for preliminary injunction [17-1] by 7/17/97 is granted. Hearing on plaintiff's application [17-1] set for 7/21/97 at 10:00 a.m. No notice (eav) [Entry date 07/16/97]

7/17/97 31 SUR-REPLY by defendant in opposition to second motion for preliminary injunction [17-1]; Notice of filing (eav) [Entry date 07/18/97]

7/21/97 32 MINUTE ORDER of 7/21/97 by Hon. Arlander Keys : Hearing held and concluded on plaintiff's amended second application for preliminary injunction [17-1]. Said motion is taken under advisement. Ruling to

	be made by mail. No notice (eav) [Entry date 07/22/97]
7/23/97 33	TRANSCRIPT of proceedings for the following date(s): 5/2/97 Before Honorable Arlander Keys (eav) [Entry date 07/24/97]
7/25/97 34	STIPULATION of facts (Exhibits); Notice of filing (eav) [Entry date 07/28/97]
8/14/97 35	TRANSCRIPT of proceedings for the following date(s): 05/29/97 before Honorable Arlander Keys (nln) [Entry date 08/14/97]
8/15/97 36	MEMORANDUM, OPINION, AND ORDER (vkd) [Entry date 08/15/97]
8/15/97 37	PRELIMINARY INJUNCTION ORDER (vkd) [Entry date 08/15/97]
8/15/97 38	MINUTE ORDER of 8/15/97 by Hon. Arlander Keys: Enter memorandum opinion and order. Plaintiff's Second Application for Preliminary Injunction [17-1] is granted in part and denied in part. Enter Preliminary Injunction Order. (For further detail see order). No notice (vkd) [Entry date 08/15/97] [Edit date 08/18/97]
8/15/97 --	SCHEDULE set on 8/15/97 by Hon.

	Arlander Keys : Status hearing set for 8/19/97 at 10:30 a.m. No notice (vkd) [Entry date 08/15/97]
8/15/97 39	NOTICE of posting bond by plaintiff (nln) [Entry date 08/18/97]
8/15/97 40	EMERGENCY MOTION by defendant reconsider the preliminary injunction order entered by the court on 08/15/97 and amend the preliminary injunction order entered by this court on 08/15/97 and for stay pending appeal; Emergency notice of motion (nln) [Entry date 08/18/97]
8/15/97 41	MINUTE ORDER of 8/15/97 by Hon. Arlander Keys : Defendant's emergency motion to reconsider the preliminary injunction order entered by the court on 08/15/97 [40-1], amend the preliminary injunction order entered by this court on 08/15/97 [40-2] and for stay pending appeal is denied pursuant to discussions held in open court [40-3]. The defendant will submit to the court by close of business 08/18/97 a memorandum discussing its concerns regarding the handling of future applications for permits. Mailed notice

(nln) [Entry date 08/18/97]

8/15/97 43 – NOTICE OF APPEAL by defendant from motion minute order [38-1], from order [37-1], from order [36-1] ($105.00 Paid) (cmf) [Entry date 08/19/97] [Edit date 08/19/97]

8/18/97 42 SUPPLEMENT by defendant (Attachments) (nln) [Entry date 08/19/97]

8/19/97 44 LETTER regarding docketing statement acknowledged by defendant. (cmf) [Entry date 08/19/97]

8/19/97 -- TRANSMITTED to the 7th Circuit the short record on appeal . Mailed notice to all counsel. (cmf) [Entry date 08/19/97]

8/19/97 SCHEDULE set on 8/19/97 by Hon. Arlander Keys : Status hearing held and continued to 8/20/97 at 10:00 a.m. No notice (vkd) [Entry date 08/19/97]

8/19/97 45 RESPONSE by plaintiff to emergency motion to reconsider and amend; Notice of filing (nln) [Entry date 08/19/97]

8/19/97 46 PRELIMINARY INJUNCTION ORDER (ip) [Entry date 08/19/97]

8/19/97 47 MINUTE ORDER of 8/19/97 by Hon. Arlander Keys: Enter preliminary injunction order to amend and revise preliminary injunction order entered on 8/15/97. No notice (ip) [Entry date 08/19/97]

8/20/97 -- SCHEDULE set on 8/20/97 by Hon. Arlander Keys : Status hearing stricken. Telephoned notice (vkd) [Entry date 08/20/97]

8/21/97 48 EMERGENCY MOTION by defendant Chgo Pk Dist for stay pending appeal; Notice of Motion (vkd)Entry date 08/21/97]

8/21/97 49 ORDER (vkd) [Entry date 08/21/97]

8/21/97 50 MINUTE ORDER of 8/21/97 by Hon. Arlander Keys :Defendant Chicago Park District's Emergency Motion for Stay Pending Appeal [48-1] is denied. Enter Order. (For further detail see order). Mailed notice (vkd) [Entry date 08/21/97]

8/21/97 51 ORDER (Exhibits). (vkd) [Entry date 08/21/97]

8/21/97 52 MINUTE ORDER of 8/21/97 by Hon. Arlander Keys : Enter Order. (For further detail see order).Mailed notice (vkd) Entry date 08/21/97]

8/21/97 54	ACKNOWLEDGMENT of receipt of short record on appeal USCA 97-3106 (Attachment) (ar) [Entry date 08/22/97]
8/21/97 53	NOTICE OF APPEAL by defendant Chgo Pk Dist from motion minute order [47-1], from order [46-1], from motion minute order [38-1], from order [37-1], from order [36-1] $105.00 PAID) (da) [Entry date 08/26/97]
8/21/97 54	DOCKETING STATEMENT by defendant Chgo Pk Dist regarding appeal [53-1] . (da) [Entry date 08/26/97]
8/25/97 55	SEVENTH CIRCUIT transcript information sheet by defendant (eav) [Entry date 08/26/97]
8/26/97 --	TRANSMITTED to the 7th Circuit the short record on appeal . Mailed notice to all counsel. (da) [Entry date 08/26/97]
8/26/97 56	LIST OF TRIAL EXHIBITS by defendant (Exhibits); Notice of filing (eav) [Entry date 08/27/97]
8/29/97 57	TRANSCRIPT of proceedings for the following date(s): 8/19/97 Before Honorable Arlander Keys (eav) [Entry date 09/02/97]

8/29/97 58	ACKNOWLEDGMENT of receipt of short record on appeal USCA 97-3162 (Attachments) (eav) [Entry date 09/02/97]
8/29/97 59	CERTIFIED copy of Order from the 7th Circuit. (97-3162) (eav) [Entry date 09/02/97]
8/29/97 60	CERTIFIED copy of Order from the 7th Circuit. (97-3162) (eav) [Entry date 09/02/97]
9/2/97 --	TRANSMITTED to the 7th Circuit the long record on appeal no. 97-3106 & 97-3162 consisting two volumes of pleadings, three volumes of transcripts (item # 33, 35 & 57) of Mailed notice to all counsel. (da) [Entry date 09/02/97]
9/8/97 61	TRANSCRIPT of proceedings for the following date(s): 5/6/97, 7/21/97, 8/15/97 Before Honorable Arlander Keys (4 Vols.: 61-1 through 61-4) (eav) [Entry date 09/09/97]
9/9/97 --	TRANSMITTED to the 7th Circuit supplement to appeal no. 97-3162 consisting of four volumes of transcripts. Documents 61. Mailed notice to all counsel. (eav) [Entry date 09/09/97]

12/17/97 62	TRANSCRIPT of proceedings for the following date(s): 7/21/97, Before Honorable Arlander Keys (one volume) (eav) [Entry date 12/18/97]
12/18/97 --	TRANSMITTED on 12/18/97: to the 7th Circuit supplement to appeal no. 97-3106 and 97-3162 consisting of one transcript, document number 62. Mailed notice to all counsel. (eav) [Entry date 12/18/97]
1/16/98 63	CERTIFIED copy of Order from the 7th Circuit. It is hereby ordered that the petition for rehearing with suggestions for rehearing en banc be, and the same is, hereby Denied. (97-3106 & 97-3162) (eav) [Entry date 01/20/98]
1/23/98 64	OPINION from the 7th Circuit: Argued 10/9/97; Decided 12/12/97. (97-3106 & 97-3162) (eav) [Entry date 01/23/98]
1/23/98 65	CERTIFIED COPY of order from the 7th Circuit: The preliminary injunction issued by the District Court is vacated, in accordance with the decision of this court entered on this date. The Chicago Park District shall recover its costs. [53-1], [43-1] (97-3106 & 97-3162)

	(eav) [Entry date 01/23/98]
1/23/98 66	BILL OF COSTS submitted by U.S. Court of Appeals. Appeal nos. 97-3106 & 97-3162 (eav) [Entry date 01/23/98]
1/23/98 67	LETTER from the 7th Circuit returning the record on appeal no. 97-3106 & 97-3162 consisting of two volumes of pleadings and eight volumes of transcript (eav) [Entry date 01/23/98]
1/27/98 68	BILL OF COSTS submitted by defendant-appellant (Exhibits); Notice of filing (eav) [Entry date 01/28/98]
2/3/98 69	MOTION by plaintiff for second preliminary injunction and motion to consolidate the trial with the hearing on this motion (Exhibits); Notice of motion (eav) [Entry date 02/06/98]
2/5/98 70	MINUTE ORDER of 2/5/98 by Hon. George M. Marovich: Pursuant to USCA 7th Circuit order docketed on 1/23/98: Costs are taxed in favor of defendant Chicago Park District in the amount of $1,569.00. Mailed notice (eav) [Entry date 02/06/98]

2/6/98	71	MINUTE ORDER of 2/6/98 by Hon. George M. Marovich : Plaintiff's motion for a second preliminary injunction is referred to the designated magistrate-judge for a report and recommendation. [69-1] Plaintiff's motion to consolidate the trial with the hearing on the motion for a second preliminary injunction is denied. [69-2] Telephoned notice (eav) [Entry date 02/06/98]
2/6/98	72	MEMORANDUM by plaintiff in support of second motion for preliminary injunction and motion to consolidate the trial with the hearing on this motion [69-1] (eav) [Entry date 02/09/98]
2/6/98	--	ORAL MOTION by plaintiff to correct the event dates in its motion for second preliminary injunction to read 5/9/98 and 5/10/98 (eav) [Entry date 02/09/98]
2/6/98	73	MINUTE ORDER of 2/6/98 by Hon. Arlander Keys : Plaintiff's oral motion to correct the event dates in its motion for second preliminary injunction to read 5/9/98 and 5/10/98 is granted. [0-1] Defendant's cross-motion is to be filed by 3/6/98. Plaintiff's reply is due 3/16/98. [69-1] Status

		hearing set for 3/23/98 at 9:00 a.m. Mailed notice (eav) [Entry date 02/09/98]
2/11/98	74	REFERRAL ORDER of 2/6/98: Case referred to Magistrate Judge Arlander Keys pursuant to local General Rule 2.41(b) to conduct hearings and enter appropriate orders on the following pretrial motion/matter: Conduct necessary proceedings and enter Order/Report and Recommendation on all nondispositive pretrial motions through filing of pretrial materials including final pretrial order, prepare a report and recommendation on plaintiff's motion for a second preliminary injunction. (For further detail order.) Mailed notice (eav) [Entry date 02/12/98]
2/23/98	75	MINUTE ORDER of 2/23/98 by Hon. Arlander Keys: Status hearing held. Cross-motions for summary judgment with Rule 12(m) statements due 3/6/98. Responses due 3/16/98. Replies are due 3/20/98. Parties are given leave to file their briefs in excess of 15 pages but they are not to exceed 21 pages. Status hearing set for 3/23/98 at 9:00 a.m. to stand. Mailed notice (eav) [Entry date 02/24/98]

3/3/98	76	MOTION by plaintiff for leave to file instanter his amended memorandum in support of second motion for preliminary injunction; Notice of motion (dcap) [Entry date 03/09/98]
3/6/98	77	AMENDED MEMORANDUM by plaintiff in support of second motion for preliminary injunction [17-1] (dcap) [Entry date 03/09/98]
3/6/98	78	MINUTE ORDER of 3/6/98 by Hon. Arlander Keys : Plaintiff's motion for leave to file instanter his amended memorandum in support of second motion for preliminary injunction is granted [76-1] Mailed notice (dcap) [Entry date 03/09/98]
3/6/98	79	MOTION by defendant for summary judgment on plaintiff's facial challenge; Notice of filing (dcap) [Entry date 03/09/98]
3/6/98	80	MEMORANDUM by defendant in support of motion for summary judgment on plaintiff's facial challenge [79-1]; Notice of filing (dcap) [Entry date 03/09/98]
3/6/98	81	RULE 12 Statement by defendant in support of motion for summary judgment (Attachments); Notice of filing (dcap)

[Entry date 03/09/98]

3/6/98	82	MOTION by plaintiff for summary judgment (dcap) [Entry date 03/09/98]
3/6/98	83	MEMORANDUM of law by plaintiff in support of motion for summary judgment [82-1] (Attachment) (dcap) [Entry date 03/09/98]
3/6/98	84	RULE 12 Statement by plaintiff of uncontested facts (Exhibits); Notice of filing (dcap) [Entry date 03/09/98]
3/11/98	85	MOTION by defendant to enlarge and combine briefing schedule ; Notice of motion (eav) [Entry date 03/16/98]
3/13/98	86	MINUTE ORDER of 3/13/98 by Hon. Arlander Keys: Defendant's motion to enlarge and combine briefing schedule is granted. [85-1] Defendant is to file a supplemental motion for summary judgment on the as-applied challenge and respond to plaintiff's facial/as-applied motions by 3/30/98. Status hearing set for 3/23/98 at 9:00 a.m. is stricken. Mailed notice (eav) [Entry date 03/16/98]
3/30/98	87	MEMORANDUM by defendant in

opposition to MacDonald's third motion for preliminary injunction and [69-1] MacDonald's motion for summary judgment [82-1] (Attachments); Notice of filing (eav) [Entry date 03/31/98]

3/30/98 88 MOTION by defendant for summary judgment on plaintiff's as applied challenge ; Notice of filing (eav) [Entry date 03/31/98]

3/30/98 89 MEMORANDUM by defendant in support of motion for summary judgment on plaintiff's as applied challenge [88-1] (Attachments); Notice of filing (eav) [Entry date 03/31/98]

3/30/98 90 RULE 12(n) Statement on MacDonald's motion for partial summary judgment by defendant (Attachments); Notice of filing (eav) [Entry date 03/31/98]

4/7/98 91 MEMORANDUM by defendant in support of motion for involuntary dismissal due to plaintiff's nonpayment of costs (Attachments); Notice of filing (ip) [Entry date 04/08/98]

4/7/98 95 MOTION by plaintiff for involuntary dismissal due to plaintiff's nonpayment of costs; Notice of motion (eav) [Entry date 04/15/98]

4/8/98 92 REFERRAL ORDER of 4/7/98: Case referred to Magistrate Judge Hon. Arlander Keys pursuant to local General Rule 2.41(b) to conduct hearings and enter appropriate orders on the following pretrial motion/matter: Conduct necessary proceedings and issue Report and Recommendation on dispositive motion specified: Prepare a report and recommendation on the cross motions for summary judgment.
(For further details see order.)
Mailed notice (eav)
[Entry date 04/09/98]

4/9/98 93 RESPONSE by plaintiff to defendant's motion for involuntary dismissal (Exhibits); Notice of filing (eav) [Entry date 04/10/98]

4/10/98 94 TRANSCRIPT of proceedings for the following date(s):
2/23/98 Before Honorable Arlander Keys (eav)

4/13/98 96 MOTION by defendant for leave to file instanter amended memorandum in support of its motion for involuntary dismissal due to nonpayment of costs (Attachments); Notice of motion (eav) [Entry date 04/15/98]

4/14/98 97 AMENDED by defendant

memorandum in support of motion for involuntary dismissal due to plaintiff's nonpayment of costs [91-1] (Attachments); Notice of filing (eav) [Entry date 04/15/98]

4/14/98 98 MINUTE ORDER of 4/14/98 by Hon. George M. Marovich : Defendant's motion for involuntary dismissal is denied. [95-1] Plaintiff is given to 6/15/98 to pay appellate costs of $1,569.00. Defendant's motion for leave to file an amended brief is granted. [96-1] No notice (eav) [Entry date 04/15/98]

4/16/98 99 TRANSCRIPT of proceedings for the following date(s): 3/13/98 Before Honorable Arlander Keys (eav) [Entry date 04/17/98]

4/27/98 100 REPORT AND RECOMMENDATION concerning motion for second preliminary injunction [69-1] (eav) [Entry date 04/28/98]

4/27/98 101 MINUTE ORDER of 4/27/98 by Hon. Arlander Keys : Report and Recommendation regarding plaintiff's motion for second preliminary injunction [69-1], Defendant's motion for summary judgment on plaintiff's facial challenge [79-1], Plaintiff's motion for summary judgment [82-1] and

granted in part. [82-1] This court also recommends that defendant's motion for summary judgment be denied. [79-1], [88-1] All matters relating to the referral of this action having been resolved, the case is returned to the assigned judge. (Terminating the case referral to Hon. Arlander Keys). motion to strike defendant's references to materials outside of the summary judgment record [109-1] Distributed notices by judge's staff/picked up. (eav) Entry date 03/09/99]

3/22/99 132 OBJECTIONS by defendant to Report and Recommendation granting partial summary judgment (Attachments) (eav) [Entry date 03/23/99]

3/25/99 133 RESPONSE by plaintiff to defendant's objections to Magistrate's Report and Recommendation; Notice of filing (eav) [Entry date 03/26/99]

3/29/99 134 MEMORANDUM, OPINION, AND ORDER (eav) [Entry date 03/30/99]

3/29/99 135 MINUTE ORDER of 3/29/99 by Hon. George M. Marovich : Pursuant to memorandum opinion and order entered this day, defendant park District's motion for summary judgment is granted and

Defendant's motion for summary judgment on plaintiff's as applied challenge [88-1] is hereby submitted to Judge Marovich. All matters relating to the referral of this action having been resolved, the case is returned to the assigned judge. terminating case referral to Hon. Arlander Keys. Mailed notice (eav) [Entry date 04/28/98]

4/28/98 103 MOTION by plaintiff to shorten time within which defendant may respond to plaintiff's objections to the Magistrate Judge's Report and Recommendation that plaintiff's motion for second injunction be denied; Notice of motion (eav) [Entry date 05/01/98]

4/29/98 102 RESPONSE by defendant to plaintiff's motion to shorten time to respond to objections; Notice of filing (eav) [Entry date 04/30/98]

4/30/98 104 MINUTE ORDER of 4/30/98 by Hon. George M. Marovich : Plaintiff's motion to shorten time to file objections is denied. [103-1] Objections to the magistrate-judge's report and recommendation are to be filed by 5/14/98. Response is to be filed by 5/21/98. Court will rule by mail. No notice (eav) [Entry date 05/01/98]

5/11/98 105 OBJECTIONS by defendant to Portion of 4/27/98 Report and Recommendation [100-1] (Exhibit); Notice of filing (eav) [Entry date 05/12/98]

5/14/98 106 OBJECTIONS by plaintiff to the Magistrate Judge's 4/27/98 Report and Recommendation [100-1] (Exhibit); Notice of filing (eav) [Entry date 05/15/98]

5/21/98 107 REPLY by plaintiff to the Chicago Park District's objections to portion of 4/27/98 Report & Recommendation [105-1]; Notice of filing (eav) [Entry date 05/22/98]

5/21/98 108 RESPONSE by defendant to plaintiff's objections to Magistrate Judge's 4/27/98 Report & Recommendation; Notice of filing (eav) [Entry date 05/22/98]

5/26/98 109 MOTION by plaintiff to strike defendant's references to materials outside of the summary judgment record (Attachments); Notice of motion (eav) [Entry date 05/29/98]

5/28/98 110 RESPONSE by defendant to plaintiff's motion to strike defendant's references outside the summary judgment record [109-1] (Exhibit); Notice of filing (eav) [Entry date 05/29/98]

5/28/98	111	MINUTE ORDER of 5/28/98 by Hon. George M. Marovich : Plaintiff's motion to strike [109-1] is taken under advisement. Telephoned notice (eav) [Entry date 05/29/98]
6/1/98	112	REPLY by plaintiff to defendant's response to plaintiff's motion to strike [110-1]; Notice of filing (eav) [Entry date 06/02/98]
6/19/98	113	TRANSCRIPT of proceedings for the following date(s): 4/30/98 Before Honorable George M. Marovich (eav) [Entry date 06/22/98]
6/25/98	114	TRANSCRIPT of proceedings for the following date(s): 2/6/98 Before Honorable Arlander Keys (eav) [Entry date 06/25/98]
7/1/98	115	MINUTE ORDER of 7/1/98 by Hon. George M. Marovich : The court adopts the Magistrate-Judge's report and recommendation in its entirety concerning the second preliminary injunction and the partial motion for summary judgment on the "as applied" challenge to the ordinance. The issue of the "facial" challenge to the constitutionality of the ordinance is remanded to the magistrate-judge for further

development and an amended report and recommendation. [69-1], [69-2] (See reverse of minute order.) Mailed notice (eav) [Entry date 07/02/98]

8/5/98	--	SCHEDULE set on 8/5/98 by Hon. Arlander Keys : Status hearing set for 8/17/98 at 9:00 a.m. Mailed notice (vkd)
8/11/98	116	REFERRAL ORDER of 8/7/98: The case is referred to the Magistrate Judge Arlander Keys pursuant to Local General Rule 2.41(b) to conduct hearings and enter appropriate orders on the following pretrial motion/matter: Perform such additional duties as are not inconsistent with the Constitution and laws of the United States, as specifically prepare an amended report and recommendation on the facial challenge issue as outlined in this court's order dated 7/1/98. (For further detail see order.) Mailed notice (eav) [Entry date 08/11/98]
8/17/98		SCHEDULE set on 8/17/98 by Hon. Arlander Keys : Status hearing held and continued to 9/18/98 at 9:00 a.m. No notice (vkd) [Entry date 08/18/98]
9/15/98	--	SCHEDULE set on 9/15/98 by Hon.

Arlander Keys : Pursuant to a request by Plaintiff's counsel, status hearing reset to 9/30/98 at 9:00 a.m. Mailed notice (vkd) [Entry date 09/15/98]

9/22/98 117 — MOTION by plaintiff to extend time to pay interlocutory costs ; Notice of motion (eav) [Entry date 09/25/98]

9/23/98 119 — MEMORANDUM by defendant in opposition to plaintiff's motion to extend time to pay interlocutory costs; Notice of filing (eav) [Entry date 09/25/98]

9/24/98 118 — MINUTE ORDER of 9/24/98 by Hon. George M. Marovich: Plaintiff's motion to extend time to pay the costs of appeal is granted in part. [117-1] Plaintiff is given to 10/2/98 to pay the appeal costs. Final extension. Plaintiff is advised that failure to comply with this order will result in sanctions not excluding dismissal of this action. Mailed notice (eav) [Entry date 09/25/98]

9/30/98 -- — SCHEDULE set on 9/30/98 by Hon. Arlander Keys : Status hearing held. Parties will file Rule 12(m) statements and briefs by 10/21/98. Cross Rule 12(n) statements to be filed by 11/12/98. Mailed notice (vkd) [Entry date 09/30/98]

10/21/98 120 — SUPPLEMENT by plaintiff to motion for summary judgment [82-1] (rm) [Entry date 10/22/98]

10/21/98 121 — MEMORANDUM by plaintiff in support of supplement to motion for summary judgment [120-1] (rm) [Entry date 10/22/98]

10/21/98 122 — SUPPLEMENTAL statement of uncontested facts by plaintiff [84-1] (Attachments); Notice of filing (rm) [Entry date 10/22/98]

10/21/98 123 — SUPPLEMENTAL RULE 12(M) statement in support of motion for summary judgment by Chgo Pk Dist regarding statement [90-1] (Attachment); Notice of filing (rm) [Entry date 10/22/98]

10/21/98 124 — SUPPLEMENTAL MEMORANDUM on cross motion for summary judgment by Chgo Pk Dist (Attachments); Notice of filing (rm) [Entry date 10/22/98]

11/12/98 125 — LOCAL RULE 12(N) RESPONSE by plaintiff to defendant's supplemental Rule 12(M) statement; Notice of filing (eav) [Entry date 11/12/98]

11/12/98 126 — REPLY by plaintiff memorandum in support of supplement to motion for summary judgment [121-1] (eav)

[Entry date 11/12/98]

11/12/98 127 SUPPLEMENTAL REPLY MEMORANDUM by defendant on cross motions for summary judgment; Notice of filing (eav) [Entry date 11/13/98]

11/12/98 128 SUPPLEMENTAL RULE 12(N) Statement on MacDonald's motion for partial summary judgment by defendant (Attachments) (eav) Entry date 11/13/98]

3/8/99 129 MINUTE ORDER of 3/8/99 by Hon. George M. Marovich : Any objections to the Magistrate's Report and Recommendation are to be filed by 3/22/99. Responses are to be filed by 3/25/99. Court will rule by mail. Mailed notice (eav) [Entry date 03/09/99]

3/8/99 130 REPORT AND RECOMMENDATION concerning motion for summary judgment [88-1], [82-1], [79-1] (eav) [Entry date 03/09/99]

3/8/99 131 MINUTE ORDER of 3/8/99 by Hon. Arlander Keys : Report and Recommendation regarding the parties' cross-motions for summary judgment is hereby submitted to Judge Marovich. This Court recommends that plaintiff's motion for summary judgment be

plaintiff's motion for summary judgment is denied, terminating case Mailed notice (eav) [Entry date 03/30/99]

3/29/99 136 ENTERED JUDGMENT (eav) [Entry date 03/30/99]

4/1/99 137 NOTICE OF APPEAL by plaintiff from judgment entered [136-1], from motion minute order [135-2], from order [134-1] ($105.00 Paid) (da) [Entry date 04/06/99]

4/1/99 138 DOCKETING STATEMENT by plaintiff regarding appeal [137-1] . (da) [Entry date 04/06/99]

4/6/99 -- TRANSMITTED to the 7th Circuit the short record on appeal . Mailed notice to all counsel. (da) [Entry date 04/06/99]

4/8/99 140 SEVENTH CIRCUIT transcript information sheet by Robert MacDonald (jmp) [Entry date 04/13/99]

4/9/99 139 ACKNOWLEDGMENT of receipt of short record on appeal USCA 99-1811 (eav) [Entry date 04/12/99]

4/14/99 141 TRANSCRIPT of proceedings for the following date(s): 9/30/98 Before Honorable Arlander

Keys (eav)
[Entry date 04/14/99]

4/21/99 -- TRANSMITTED to the 7th Circuit the long record on appeal no. 99-1811 consisting of five volumes of pleadings with thirteen volumes of transcripts of proceeding and one volume of exhibits transmitted under separate certificate. Mailed notice to all counsel. (pp) [Entry date 04/21/99]

7/1/99 142 NOTICE by defendant Chgo Pk Dist of attorneys Steven A. Weiss and Kevin T. Kerns of change of address (eav) [Entry date 07/02/99]

11/8/00 143 CERTIFIED copy of Order dated 11/07/00 from the 7th Circuit. All the judges on the original panel have voted to deny the petition, and none of the active judges has requested a vote on the petition for rehearing en banc. The petition is therefore denied. (99-1811) (For further detail see order.). (hp) [Entry date 11/09/00]

11/17/00 144 LETTER from the 7th Circuit returning the record on appeal no. 99-1811 consisting of five volumes of pleadings, thirteen volumes of transcript of proceedings and one volume of exhibits. (hp) [Entry date 11/20/00]

11/17/00 145 CERTIFIED COPY of order dated 09/14/00 from the 7th Circuit: The judgment of the District Court is affirmed, with costs, in accordance with the decision of this court entered on this date. [137-1] (99-1811) (hp) [Entry date 11/20/00]

11/17/00 146 OPINION from the 7th Circuit: Argued 04/19/00; Decided 09/14/00. (99-1811) (hp) [Entry date 11/20/00]

GENERAL DOCKET FOR
Seventh Circuit Court of Appeals

Court of Appeals Docket #: 99-1811
Filed: 4/7/99
Nsuit: 3440 Oth Civil Rights-Fed. Question
Thomas, Caren Cronk, et al v. Chicago Park Dist
Appeal from: United States District Court

- -
Lower court information:

District: 0752-1 : 97 C 2963
Ordering Judge: George M. Marovich, Judge
Court Reporter: Geraldine Monahan, Court Reporter
Date Filed: 4/25/97
Date order/judgment: 3/29/99
Date NOA filed: 4/1/99

- -
Fee status: paid
- -
Prior cases:
97-3106 wjc msk idr
Date filed: 8/20/97 Date disposed: 12/12/97
Disposition: VACATED

Current cases: None

Proceedings include all events.
99-1811 Thomas, Caren Cronk, et al v. Chicago Park Dist

ROBERT MACDONALD
Plaintiff - Appellant
[term 08/02/99]
v.

CHICAGO PARK DISTRICT, a body

political and corporate 312/701-9311
Defendant - Appellee

Steven A. Weiss
SCHOPF & WEISS
312 W. Randolph Street
Chicago, IL 60606

CAREN CRONK THOMAS and
WINDY CITY HEMP DEVELOPMENT BOARD,
Plaintiffs - Appellants

Wayne B. Giampietro
WITWER, POLTROCK & GIAMPIETRO
125 S. Wacker Drive
Suite 2700
Chicago, IL 60606
312/332-6000
FAX 312/332-6008

Richard L. Wilson
3610 Dubsdread Circle
Orlando, FL 32804
407/649-9225
Plaintiff - Appellant (See above)

CAREN CRONK THOMAS and WINDY CITY HEMP DEVELOPMENT BOARD,
Plaintiffs - Appellants
v.

CHICAGO PARK DISTRICT,
Defendant - Appellee

Proceedings include all events.
99-1811 Thomas, Caren Cronk, et al v. Chicago Park Dist

4/7/99	Private civil case docketed. [99-1811] [1165297-1] Transcript information sheet due 4/19/99. Appellant's brief due 5/17/99 for Robert MacDonald. (squi)
4/7/99	[99-1811] ROA from No. Dist. of Il., E. Div. due 4/15/99. (squi)
4/7/99	Filed Appellant Robert MacDonald docketing statement. [99-1811] [1165319-1] (squi)
4/16/99	Certificate of interest filed by Appellee Chicago Park Dist. [99-1811] [1165297-1] (squi)
4/16/99	Appearance form filed by attorneys Steven A. Weiss and Kevin T. Kerns for Appellee Chicago Park Dist. [99-1811] [1165297-1] (squi)
4/21/99	Original record on appeal filed. Contents of record: 5 vol. pleadings; 13 vol. transcripts; 1 vol. exhibits; [99-1811] [1171545-1] (eric)
5/7/99	ORDER: Pursuant to Federal Rule of Appellate Procedure 33, briefing will proceed as follows: [1165297-1]

SCO [99-1811]
Appellant's brief due 6/8/99 for Robert MacDonald. Appellee's brief due 7/8/99 for Chicago Park Dist. Appellant's reply brief due 7/22/99 for Robert MacDonald.
(patb)

5/12/99	Filed Seventh Circuit Transcript Information Sheet by Wayne B. Giampietro for Appellant Robert MacDonald. [99-1811] [1165297-1] (patb)
5/13/99	Disclosure Statement filed by Attorney Wayne B. Giampietro For Appellant Robert MacDonald. [99-1811] [1165297-1] (patb)
6/8/99	Filed 15c appellant's brief by Robert MacDonald. Certification filed. [99-1811] [1186752-1] (patb)
6/8/99	Filed 10c appendix by Appellant Robert MacDonald. [99-1811] [1186753-1] (patb)
6/14/99	Filed oversized record in Section # 18 of exhibit room: 1 box containing 5 vol. pleadings; 13 vol. transcripts;[1165297-1] [99-1811] (nick)
7/2/99	Filed suggestion of death of plaintiff-appellant and motion to substitute parties by attorney Wayne

B. Giampietro.
[1194318-1] [1194318-1] [99-1811] (patb)

7/8/99 Filed 15c appellee's brief by Chicago Park Dist. Disk filed. [99-1811] [1195617-1] (patb)

7/9/99 Filed Appellee Chicago Park Dist Memorandum In Opposition to motion to substitute parties. [1196141-1] [99-1811] [196141-1] (patb)

7/9/99 ORDER: Filed clerk's notice to Appellee Chicago Park Dist to file a response to Attorney Giampietro's 7/2/99 Suggestion of Death of Plaintiff-Appellant and Motion to Substitute Parties.

Briefing in this appeal is DEFERRED pending resolution of the motion. [1194318-1] JKL [99-1811] [1198276-1] Response due 7/22/99 for Chicago Park Dist. (patb)

7/12/99 Reply in support of motion to substitute parties filed by counsel for Appellant Robert MacDonald. [99-1811] [1196747-1] (patb)

8/2/99 ORDER issued GRANTING Attorney Giampietro's 7/2/99 motion. Pursuant to Fed.R.App.P. 43(a)(1), [1194318-1] Caren Cronk Thomas and Windy City Hemp are GRANTED leave to substitute as appellants in place of Robert MacDonald,

deceased. The clerk of this court is directed to modify the docket to reflect this change. Furthermore, counsel for appellants shall file a corporate disclosure statement, pursuant to Fed.R.App.P. 26.1, by 8/9/99. The clerk is directed to distribute a copy of this order to the assigned merits panel. JKL [99-1811] (patb)

8/3/99 Filed Appellant Windy City Hemp, Appellant Karen Cronk Thomas Citation of Additional Authority, per CR 28(e). [99-1811] [1203118-1] (kell)

8/10/99 Amended certificate of interest after substitution of parties filed by Attorney Wayne B. Giampietro for Appellant Windy City Hemp, Appellant Karen Cronk Thomas. [99-1811] [1165297-1] (patb)

12/22/99 ORDER: Briefing will proceed as follows: [1165297-1] JKL [99-1811] Appellant's reply brief due 1/7/00 for Karen Cronk Thomas, for Windy City Hemp. (jenp)

1/6/00 Filed Appellee Chicago Park Dist Citation of Additional Authority, per CR 28(e). Dist. [99-1811] [1249013-1] (land)

1/7/00 Filed 15c appellant's reply brief by

Windy City Hemp, Karen Cronk Thomas. Disk filed. [99-1811] [1249855-1] (land)

2/4/00 Filed oversized record in Section # 18 of exhibit room: 2 boxes containing assorted briefs/appendix. [1165297-1] [99-1811] (cove)

2/4/00 Filed Appellant Windy City Hemp, Appellant Karen Cronk Thomas Citation of Additional Authority, per CR 28(e). Dist. [99-1811] [1259047-1] (land)

3/1/00 Filed Appellant Windy City Hemp, Appellant Karen Cronk Thomas Citation of Additional Authority, per CR 28(e). Dist. [99-1811] [1266412-1] (land)

3/22/00 ORDER: Argument set for Wednesday, April 19, 2000 at 9:30 a.m. Each side limited to 20 minutes. [99-1811] [1272457-1] (broo)

4/18/00 ORDER: Argument reset for Wednesday, April 19, 2000 at 9:30 a.m. Each side limited to 15 minutes. [99-1811] [1281894-1] (broo)

4/19/00 Case heard and taken under advisement by panel: Chief Judge Richard A. Posner, Circuit Judge

John L. Coffey, Circuit Judge Frank H. Easterbrook. [99-1811] [1282960-1] (broo)

4/19/00 Case argued by Richard L. Wilson for Appellant Karen Cronk Thomas, Appellant Windy City Hemp, Steven A. Weiss for Appellee Chicago Park Dist. [99-1811] [1165297-1] (broo)

9/14/00 Filed opinion of the court by Judge Posner. AFFIRMED. Circuit Judge Richard A. Posner, Circuit Judge John L. Coffey, Circuit Judge Frank H. Easterbrook. [99-1811] [1165297-1] (hard)

9/14/00 ORDER: Final judgment filed per opinion. With costs: y. [99-1811] [1325355-1] (hard)

9/28/00 Filed 30c Petition for Rehearing and Petition for Rehearing Enbanc by Appellant Windy City Hemp, Appellant Caren Cronk Thomas. Dist. [99-1811] [1330015-1] (hard)

10/10/00 Sent clerk's copy of request to Appellee Chicago Park Dist requesting 30c of their Answer to the Petition for Rehearing and Petition for Rehearing Enbanc filed by the appellants' on 9/28/00. [99-1811] [1332947-1] Answer to Petition for

	Enbanc Rehearing due 10/24/00 for Chicago Park Dist. (hard)
10/24/00	Filed 30c Answer of Appellee Chicago Park Dist to Petition for Rehearing and Petition for Rehearing Enbanc. Dist. [99-1811] [1337688-1] (hard)
11/7/00	ORDER: Appellant Windy City Hemp, Appellant Caren Cronk Thomas Petition for Rehearing and Petition for Rehearing Enbanc is DENIED. [99-1811] [1330015-1] (hard)
11/15/00	MANDATE ISSUED AND ENTIRE RECORD RETURNED. (Contents returned: 5 vol. pleadings; 13 vol. transcripts; 1 vol. exhibits;) [99-1811] [1165297-1] (cove)
11/21/00	Filed record receipt. [1346686-1] [99-1811] (cove)
2/5/01	Filed notice from the Supreme Court of the filing of a Petition for Writ of Certiorari. Supreme Court Case No.: 00-1249. [99-1811] [1369269-1] (hard)
5/31/01	Filed order from the Supreme Court GRANTING the Petition for Writ of Certiorari. Supreme Court Case No.: 00-1249. [99-1811] [1403889-1] (hard)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

ROBERT MACDONALD	)
	)
	) No. 97 C 2963
Plaintiff,	)
vs.	)Judge George
	)Maravich
CHICAGO PARK DISTRICT,	)
a body political and corporate,	)VERIFIED
	) COMPLAINT FOR
	)DECLARATORY
Defendant.	)JUDGMENT AND
	) PERMANENT
	) INJUNCTION

Plaintiff Robert MacDonald brings this lawsuit to challenge a certain provision in the Code of Ordinances of the Chicago Park District. The ordinance in question governs the issuance of permits for rallies in public parks. MacDonald seeks a judgment declaring that the challenged ordinance violates the First Amendment to the United States Constitution, and an injunction permanently prohibiting its enforcement.

JURISDICTION

1. This suit is brought pursuant to 42 U.S.C. § 1983:

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress . . . .

This case arises under the Constitution of the United States, and this Court has original jurisdiction under 28 U.S.C. §§ 1331 and 1343.

Declaratory and injunctive relief are authorized by 28 U.S.C. §§ 2201 and 2202.

PARTIES

2. Plaintiff Robert MacDonald is a natural person and a citizen of Illinois. MacDonald maintains an office at 2558 W. Armitage, Chicago, Illinois 60647.

3. Defendant Chicago Park District is a body politic, organized and operating under the laws of the State of Illinois, and empowered to sue and be sued in its own name.

VENUE

4. The Park District is located in Cook County, within the Northern District of Illinois, Eastern Division. All of the acts complained of herein have occurred, and will occur, within the Northern District of Illinois, Eastern Division.

FACTS

6. MacDonald is an activist in a political movement to change the laws of the United States and the several states prohibiting the sale and possession of cannabis, to educate the public as to the need for a change, and to raise public support for his political cause.

7. MacDonald is actively involved in organizing public rallies, at which he and others encourage public support for their political movement, present speakers, and raise funds to support their political efforts.

8. MacDonald wants to sponsor and conduct a political rally at Butler Field on May 10 and 11, 1997.

9. The political rally will have three principal

purposes: (a) to provide a forum for all interested persons to speak out on an issue of great public concern, the laws prohibiting the possession, sale and distribution of cannabis; (b) to raise public support for the efforts of MacDonald and others to effect a change in those laws; and (c) to raise money to defray costs of the rally and for future political activities.

10. The proposed activities are all protected under the First Amendment.

11. Butler Field at Grant Park's Petrillo Bandshell is a public park in the City of Chicago, and activities at Butler Field are regulated under Chapter VII.

12. Butler Field is a public forum, both by designation of the City of Chicago and by tradition.

13. Pursuant to 70 ILCS 1205/8-1, the Park District is empowered to enact ordinances in furtherance of its responsibility to administer the public parks of the City.

14. The Park District has enacted Chapter VII

of the District Code.[1] Chapter VII, titled *Use of Parks*, regulates activities in all public parks in the City.

15. Section C of Chapter VII establishes a permitting scheme for those persons who wish to use any City parks.

16. Under § C(3)(a), MacDonald is required to obtain a permit in order to hold his rally.

17. As required by the ordinance, MacDonald submitted an application for a permit for the rally to the Park District on March 4, 1997.[2]

18. On March 12th, Park District Deputy General Counsel Joan Fencik sent a letter to MacDonald notifying him that the application had been denied.[3]

19. § 5(e) sets forth the reasons for which a permit can be denied. Included in that list are the following three items:

---

1. A true copy of Chapter VII, Section C is attached to this Complaint as Exhibit A.

2. Exhibit B.

3. Exhibit C. The letter did not indicate who had made the decision to deny the application.

(1) the application for permit is not fully completed and executed;

(5) the applicant or the person on whose behalf the application for permit was made has on prior occasions damaged Park District property and has not paid in full for such damage, or has other outstanding and unpaid debts to the Park District;

(13) the applicant or the person on whose behalf the application was made has on prior occasions made material representations regarding the nature or scope of an event or activity previously permitted or has violated the terms of prior permits issued to the applicant.

20. Fencik's letter indicates that the bases for denial of the permit application was for alleged violations of each of the three listed conditions.

21. The letter informed MacDonald that he had seven days to appeal from the denial to the General Superintendent of the Park District.

22. On March 18th MacDonald filed his appeal.[4] That appeal refuted each of the grounds used to deny the permit.

23. On March 24th Forest Claypool, General Superintendent of the Chicago Park District, sent a letter

4. Exhibit D.

notifying MacDonald that his appeal had been denied.[5]

24. General Superintendent Claypool and whoever originally denied the permit application are employees of the Park District, and their actions were taken within the scope of their authority.

25. Chapter VII, § C(5)(e) is facially unconstitutional as an unlawful prior restraint of free expression for the following reasons:

A. it is an unlawful delegation of authority to deny a permit without providing sufficient standards limiting the discretion of the city officials charged with granting or denying the permit;

B. it does not provide for prompt judicial review in the event a permit application is denied;

C. it does not place the burden on seeking prompt judicial review to justify the denial of the permit on the Park District; and

D. it allows a permit to be denied for future speech based on allegations of improper, illegal or unauthorized conduct by the applicant or virtually any

5. Exhibit E. MacDonald filed an amended appeal on March 25th (Exhibit F), which was summarily denied on March 26th (Exhibit G).

other persons at a past event for which a permit has been issued.

26. Chapter VII, § C(5)(e) has been unconstitutionally applied to MacDonald to deny him due process of law guaranteed by the Fourteenth Amendment.

27. The actions of the Park District (through its employees) threaten to deprive MacDonald, his colleagues and associates and the public at large of rights guaranteed to them under the First Amendment: the right to freedom of expression, freedom of assembly and freedom of association.

28. All acts of the Park District (through its employees) which are alleged in this Complaint were done under color of state law or authority.

COUNT ONE - DECLARATORY JUDGMENT

29. MacDonald realleges those facts set forth in Paragraphs 6 - 28, and incorporates those facts in this Count by reference.

30. There is a dispute between the parties as to MacDonald's rights under the First Amendment, as those rights have been abridged by the actions of the Park

District under Chapter VII of the Park District Code.

31. MacDonald is entitled to a judgment declaring his right to conduct his political rally in a public forum without having to be subjected to an unconstitutional permitting ordinance.

COUNT TWO - PERMANENT INJUNCTION

32 MacDonald realleges those facts set forth in Paragraphs 6 - 28, and incorporates those facts in this Count by reference.

33. Chapter VII, § C(5)(e) of the Park District Code is unconstitutional on its face under the First Amendment, and as it has been applied against MacDonald.

34. MacDonald has no adequate remedy at law.

35. Unless this Court issues a permanent injunction against all future enforcement of § C(5)(e), MacDonald will suffer an irreparable injury by the loss of his rights under the First Amendment.

36. The injury to MacDonald, should this Court deny a permanent injunction, exceeds any possible harm to the Park District if a permanent injunction is entered.

MacDonald will suffer the loss of constitutional rights found by the United States Supreme Court to be at the very core of those protected by the First Amendment. The only "loss" to the Park District is the ability to unconstitutionally deny those rights to persons wishing to engage in free speech on matters of public concern in a traditional public forum.

37. A permanent injunction will not be contrary to the public interest.

WHEREFORE, Robert MacDonald asks this Court to do the following:

A. take jurisdiction over this cause and the parties;

B. enter judgment for MacDonald and against the Chicago Park District declaring that § C(5)(e) of the Park District Code is facially unconstitutional;

C. enter judgment for MacDonald and against the Park District declaring that § C(5)(e) has been unconstitutionally applied against MacDonald;

D. enter an injunction permanently prohibiting the Park District, its agents and employees from enforcing

§ C(5)(e);

E. award MacDonald all reasonable costs of this action, including an attorney's fee pursuant to 42 U.S.C. § 1988; and

F. grant MacDonald all other relief in law and in equity to which he is entitled.

Wayne B. Giampietro
Witwer, Poltrock &Giampietro
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and

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Orlando, Florida 32804
(407) 649-9225 (Fax) 423-8727

Attorneys for Plaintiff

AFFIDAVIT

STATE OF: Illinois)
)
COUNTY OF: Cook)

I, ROBERT MACDONALD, after being placed under oath do state:

1. I have read the foregoing Verified Complaint for Declaratory Judgment and Permanent Injunction.

2. The facts alleged in the Verified Complaint are true and correct.

ROBERT MACDONALD

(SIGNATURE)

Robert MacDonald

Sworn to and subscribed before me on this 25th day of April, 1997.

ANTOINETTE F. DELLACROCE

Notary Public - State of Illinois

EXHIBIT A TO COMPLAINT

CHAPTER VII.
USE OF PARKS.

SECTION A.

DEFINITIONS.

For purposes of this chapter, the following words, terms, phrases and their derivatives shall have the meanings set forth in this section. When not inconsistent with the context, the present tense shall include the future tense; the plural shall include the singular number and the singular number shall include the plural number.

"Amplified Sound" means any sound projected or transmitted by artificial means, including, but not limited to, loudspeakers, amplifiers, powered megaphones or any similar devices.

"Horse" means any member of the equine family.

"Parade" means any march or other organized movement of persons from place to place, or about a place.

"Pollute" means to perform any act or acts destroying, contaminating, fouling or otherwise altering the physical, topographic, chemical or biological properties of a park, including land, waters, buildings, furnishings, equipment, vegetation and animals, including, but not limited to, the deposit of garbage, litter or water matter; changes in the

temperature, taste, color, turgidity or odor of water; the discharge of any liquid, gas, solid, radioactive or other substance in any park which causes, or is likely to cause, a public nuisance or an injury to the public health, safety or welfare, or injury to vegetation or animals, or otherwise impair the safe, healthful and beneficial use of a park.

"Stallion" means a male horse, not castrated.

* * * * *

SECTION C. PERMITS.

1. Designation of Park Facilities.

a. Proposed Designation.

The General Superintendent shall classify all park property under a uniform system of classification and designate for each such classification the use or uses which, in his/her judgment, should be permitted therein. Categories of classifications which the General Superintendent shall designate may include, but are not limited to, parks, playgrounds, playlots, fieldhouses, boat harbors, and leased facilities. The General Superintendent shall classify all park property under the following classification system:

(1) public forums;
(2) limited use areas;
(3) areas or facilities not designated for public assembly; or
(4) special facilities.

The General Superintendent shall then record the designations for each park and shall transmit the same promptly to the Board, which shall then approve, amend or reject the designations. Thereafter, the General Superintendent may, from time to time, as he/she shall deem necessary and proper, amend or revise his/her designations and shall promptly transmit in writing the amendments or revisions to the Board, which shall approve, amend or reject the same. All such designations, and the General Superintendent's amendments and revisions thereof, shall be in full force and effect from the

time that the same are expressly approved as such or as amended by the Board.

b. Public Review of Proposed Designation.

Simultaneous with the transmission to the Board of the plats or maps required by this ordinance, or of any written amendments or revisions thereof, the General Superintendent shall file a duplicate copy of the same with the Secretary, which duplicate copy shall be available for public inspection and copying in the Office of the Secretary during normal business hours.

2. Rules and Regulations.

The General Superintendent may, from time to time, establish reasonable rules and regulations, for the use of each facility in the Park System. Such rules and regulations shall be based on a due regard for the purpose for which the facility is established, the safety of those using the facility, of park Employees and of the public, the safety and maintenance of Park District property, the need for and the availability of supervisory personnel, and the maximum number of people who can safely use the facility at one time. Subject to the foregoing, and except as hereinafter provided, all Park District facilities may be used by members of the general public, without permit, for recreational and athletic purposes not inconsistent with the nature of the facility and the safety of the public and of Park District property.

3. Permit Requirement

a. General.

No person shall, without a permit:

1. conduct a public assembly, parade, picnic, or other event involving more than fifty individuals;
2. circulate or distribute any leaflets, handbills, notices, pamphlets, books, documents or papers of any kind in any indoor facility , fieldhouse, garden, zoological garden or other special facility;
3. conduct and exhibit, music or dramatic performance, fair, circus, concert, play, radio or television broadcast, other than a news transmission;
4. exhibit or display any motion picture, television program, light or laser light display, or similar event;
5. operate a vehicle, except upon a publicly dedicated street, alley, watercourse or other thoroughfare which may abut or traverse a park;
6. create or emit any Amplified Sound, except from a radio, recorder or other device possessed and used by an individual for his/her own enjoyment and operated in such a manner so as not to interfere with the use and enjoyment by an other person;
7. station or erect any building, tent, canopy, stand, bandstand, stage, tower, scaffold, sound stage, platform, rostrum or other structure;
8 station or use any electrical or electronic device or equipment that would require

outdoor auxiliary power;

9. or sell or offer for sale any goods or services;

10. display, post or distribute any placard, handbill, pamphlet, circular, book or other writing containing commercial advertising matter within the Park System;

11. bring, land or cause to ascend or descend or alight within the Park District, any airplane, helicopter, flying machine, balloon, parachute or other apparatus for aviation;

12. conduct any sporting event;

13. ride any Horse on any driveway, roadway, path or trail; or

14. bring onto property a tame, non-domestic supervised and controlled or restrained animal for limited non-commercial or promotional purposes.

b. Permits for Activities Involving More than 500 Individuals.

No activity involving more than five hundred individuals shall be held within two thousand five hundred feet nor within two hours of any other activity involving more than five hundred individuals.

4. <u>Application for Permits</u>

a. Filing Written Application.

1. Special Event Permit

Any person seeking the issuance of a permit shall apply for a permit by filing a written application

for permit on a form and within such time as shall be prescribed by the General Superintendent. Applications involving any of the following activities shall be filed with the Region Manager for the region in which the special event is to take place, or his/her designee:

(a) an event involving more than fifty individuals;

(b) the sale or offering for sale of any good or service;

(c) the sale or service of alcohol on Park District property;

(d) advertising or commercial activities;

(e) activities involving more than one park;

(f) a religious or partisan political event;

(g) create or emit any Amplified Sound, except from a radio, recorder or other device possessed and used by an individual for his/her own enjoyment and operated in such a manner so as not to interfere with the use and enjoyment by another person;

(h) station or erect any building, stand bandstand, stage, tower, tent, canopy, scaffold, sound stage, platform, rostrum or other structure;

i. use of any electrical or electronic device or equipment requiring outdoor auxiliary power;

j. brief land or cause to ascend or descend or alight within the Park District, any airplane, helicopter, flying machine, balloon, parachute or other apparatus for aviation;

k. riding of a Horse or Horses; or

l. use of mechanical rides (which may be permitted only on hard surfaces).

(2) Media/Motion Picture/Commercial Photography

Any person seeking the issuance of a permit for filming of a media broadcast (other than a news transmission), motion picture, or still commercial photography shall file a written application for permit with the General Superintendent or his/her designee on a form and within such time as shall be prescribed by the General Superintendent.

(3) Recreational Permits

Any person seeking to reserve Park District facilities for any event involving less than fifty people and not including the items covered in paragraph 4(a)(1), above, shall file a written application with the park/playground supervisor where the event is proposed to take place on a form and within such time as shall be prescribed by the General Superintendent.

(4) Special Facilities

Any person seeking the issuance of a permit for

d. Security Deposit.

For any activity described in this chapter, Section C.4. a(1)(a) through a(1) (j), no application for permit shall be granted unless the same shall be accompanied by the deposit of a sum of money equal to the estimated cost of policing, cleaning up and restoring the park upon conclusion of the use or activity , as set by the schedule of fees set by the General Superintendent and approved by the Board. The security deposit shall be deposited by the Park District into an escrow account. Promptly after the conclusion of a use or activity, permit activity, the Park District shall inspect the premises and equipment used by the permittee.

(1) If it is determined that there has been no damage to Park District Property or equipment beyond reasonable wear and tear, the security deposit shall be refunded in full within thirty (30) days of the conclusion of the permitted event.

(2) If it is determined by such inspection, that the permitted event proximately caused damage to Park District property in excess of normal wear and tear and which requires repairs in excess of routine maintenance or determined that fines should be assessed against the permittee pursuant to this chapter , Section C.7., below, the Park District shall retain the security deposit or any portion, thereof, necessary to pay for the cost repair or any fines assessed against the permittee. The General Superintendent or his/her designee shall given written notice of the assessment of damages or fine

and retention of the security deposit to the permittee by personal delivery or by deposit in the United States mail, with proper postage prepaid to the name and address set forth in the application for permit. An assessment of damages or fine may be appealed as provided in this chapter, Section C.6., below.

e. Fees for Use of Park Facilities.

No application for permit shall be granted unless the same shall be accompanied by a user fee as provided in the uniform schedule of fees set by the General Superintendent and approved by the Board. No application for permit shall be granted unless all required fees are paid as specified in paragraph 5(b), below.

f. Insurance.

Applicant shall procure and maintain at all times during its use of Park District property, insurance in such amounts and with such coverages as shall reasonably be required by the Park District and shall name Park District as an additional insured thereunder. The amounts and type of insurance required shall be determined by the Division of Risk Management, based upon the nature of the activity and the risk involved. The Division of Risk Management shall prepare a uniform schedule of insurance guidelines for particular types of activities. Applicant shall provide Park District with a certificate from an insurer evidencing such coverage prior to applicant's use of Park District

property, and within the time Prescribed by the General Superintendent. The certificate shall also provide that the insurer shall give the Park District reasonable advance notice of insurer's intent to cancel the insurance coverage provided.

g. Permits Not Transferable

No permit or preliminarily approved permit application may be transferred.

5. Processing of Application for Permits.

a. Order.

Applications for permits shall be processed in order of receipt; and the use of a particular park or part thereof shall be allocated in order of receipt of fully executed applications accomplished by the application fee.

b. Preliminary Approval

Applications for permits for activities or events which require insurance, approval or permits from other governmental entities, or compliance with other terms or conditions, will be reviewed and, if the application otherwise conforms to all other requirements, a preliminary approval will be issued. If, within fourteen days of the issuance of the preliminary approval, an insurance certificate evidencing the requisite insurance is not filed by the Division of Risk Management, or the approval or permit of other governmental entities has not been received, or the other terms and conditions have not been met, the preliminary approval will expire, the application for permit will be deemed denied and no

written notice of denial will be required. For events or activities which involve the use of special facilities, or activities described in this chapter, Section C.4.a. (1) (c}, (d), (g), (h}, (i) or (j), above, all terms and conditions for issuance of the permit, including securing insurance and payment of all fees and security deposit, must be completed at least thirty days prior to the event.

No permit shall be issued unless all applicable fees and security deposit are paid within the times prescribed by the General Superintendent. Failure to pay fees or security deposit within that time shall cause the application to be deemed denied, without further notice to the applicant.

c. Written Denials.

Except for applications for permits for which preliminary approvals have been issued, applications for permits shall be deemed approved subject to insurance requirements as provided in this chapter, Section C.4.f., above, if no written denial is issued within fourteen days of the date on which the application is fully completed, executed and filed with the appropriate Officer or Employee, as designated by the General Superintendent; provided, however, the Park District may extend the period of review for an additional fourteen days by issuance of a written notice of extension. If, prior to the expiration of the extended review period, no written denial is issued, the application for permit shall be deemed approved.

d. Notice of Extended Review or Denial or Issuance of Permit.

Written notice of denial or notice of extension shall be served on the applicant by personal delivery, or by deposit in United States mail, with proper Postage prepaid, to the name and address set forth on the application for permit.

e. Contents of Notice; Grounds for Denial.

Notice of denial of an application for permit shall clearly set forth the grounds upon which the permit was denied and, where feasible, shall contain a proposal by the Park District for measures by which the applicant may cure any defects in the application for permit or otherwise procure a permit. Where an application or permit has been denied because a fully executed prior application for the same time and place has been received, and a permit has been or will be granted to the prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular area, the Park District shall propose an alternative place, if available for the same time, or an alternative time, if available for the same place. The Park District may deny an application for permit on any of the following grounds:

(2) the application for permit is not fully completed and executed;

(3) the applicant has not timely tendered the application fee, user fee, indemnification agreement, or security deposit;

(4) the application for permit contains a material

falsehood or misrepresentation;

(5) the applicant is legally incompetent to contract or to sue and be sued;

(6) the applicant or the Person on whose behalf the application for permit was made has on prior occasions damaged Park District property and has not paid in full for such damage, or has other outstanding and unpaid debts to the Park District;

(7) a fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular park or part hereof;

(7) the use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the Park District and previously scheduled for the same time and place;

(8) the proposed use or activity is prohibited by or inconsistent with the classifications and uses of the park or part thereof designated pursuant to this chapter, Section C.1., above;

(9) the use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of the park, of Park District Employees or of the public;

(10) the applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations of the Park District concerning the sale or offering for sale of any goods or services;

(11) the use or activity intended by the applicant is prohibited by law, by this Code and ordinances of the Park District, or by the regulations of the General Superintendent;

(12) the applicant has not secured the requisite insurance; or

(13) the applicant or the person on whose behalf the application for permit was made has on prior occasions made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of prior permits issued to the applicant.

f. Amendment or Revision of Applications

Any amendment or revision of an application or permit shall for purposes of determining the priority of the application for permit, relate back to the original filing thereof; but the time in which the Park District shall grant or deny the application for permit and serve notice of such granting or denial shall be computed from the date of the amendment or revision.

6. Procedures for Review/Waivers.

a. Review by General Superintendent.

1. Any applicant who is denied a permit or a permittee who is assessed damages or a fine pursuant to this ordinance may, within seven days of the service of notice of such determination, file a written appeal from such determination with the General Superintendent;

2. The General Superintendent shall have seven days from the date on which the appeal was received in which to serve upon the applicant a notice that he/she has affirmed, modified or reversed the denial or fine;

3. Such notice shall be deemed served upon the applicant or permittee when it is personally delivered or when it is sent by United States mail, with proper postage prepaid, to the name and address set forth on the application for permit;

4. If such notice is not served upon the applicant or permittee within seven (7) days of the date upon which the appeal was filed, then the denial shall be deemed reversed.

b. Form of Appeals.

Any appeals filed pursuant to the ordinance shall state succinctly the grounds upon which it is asserted that the denial should be modified or reversed and shall be accompanied by copies of the application for permit, the written notice of the determination of the supervisor and/or the General Superintendent, and any other papers material to

the determination.

c. Waiver of Requirements.

Any requirements for use fees, deposits, proof of insurance or premium for insurance may be waived by the General Superintendent upon the recommendation of the General Counsel, if the activity as protected by the First Amendment of the United States Constitution and the condition would be so financially burdensome that it would preclude the applicant from using Park District property for the proposed activity. Fees for equipment and services may not be waived pursuant to this subsection. Application for a waiver shall be made on a form prescribed by the General Superintendent.

7. Fines

The violation by a permittee of the terms of his/her a permit or the laws and regulations of the Park District shall subject the permittee to a civil fine of up to $500. Each day that a violation continues shall be deemed a separate violation. Such fines may be assessed against any security deposit held by the Park District on behalf of the permittee, pursuant to this chapter Section C.4.d., above, or may be assessed a fine for monies in excess of any security deposit held by the Park District. Any assessment of fines in excess of any security deposit shall be subject to the appeal provisions of this chapter, Section C.6., above. The Region Manager or his/her designee shall give the permittee prompt written notice of any fines to be assessed in excess of the security deposit. Such notice shall be served on the permittee by personal delivery, or by deposit in the United States mail, with proper postage prepaid to the name and address set forth on

the application for permit.

8. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance be held invalid, the remainder of this ordinance and the application of such provision to other persons or circumstances shall not be affected thereby. The Park District reserves the power to amend or repeal this ordinance at any time; and all rights, privileges and immunities conferred by this chapter or by acts done pursuant hereto shall exist subject to such power.

PARK DISTRICT
COME OUT AND PLAY

Special Event Application

Exhibit B to Complaint

TYPE OF PERMIT
(Check one)

- ☐ Group
- ☐ Athletic Events
- ☑ Corporate/Festival
  - ☐ Level 1
  - ☐ Level 2
  - ☐ Level 3
- ☐ Media*
  - ☐ Non-news live or delayed broadcast
  - ☐ Commercial/movie picture/video
  - ☐ Still photography

*Media permits for live or delayed broadcast are strictly for broadcast. If broadcast entity is also sponsoring an event during its broadcast, the application will no longer be considered solely as a broadcast, but rather a corporate promotion; and a corporate permit must be obtained.

SPECIAL NOTE:
Permits are issued on a "first-come, first-served" basis. Your request for a date will not be considered unless the application fee is included with your application.

Security deposits will triple for applicants which have forfeited their security deposits at prior events.

FEES ENCLOSED:
(Check all that apply)

- ☒ Non-Refundable Application Fee
- ☐ User Fee
- ☐ Security Deposit
- ☒ Insurance Certificate
- ☒ For amendment waiver of Fee

Is your organization a not-for-profit?
☑ Yes ☐ No Not registered w/ the State of Illinois

If yes, you must attach a current verification of 501 (c) (3) status.

EVENT INFORMATION

You must include a site plan/race route for your event which must include the location of all equipment. This application will not continue processing without the information detailing your layout.

Name of sponsoring organization: Ad Hoc Coalition for Peace in the Gulf
Contact person/department: Robert MacDonald
Address: 2558 W. Armitage 60647
Phone: 773-486-8085
Fax: 773-227-2072
Name of event: TBA
Proposed date and location: Soldier Field
Date requested: May 10, 11
Time (begin & end): 10 AM - 11 PM each day
Time (begin & end): 10 each
Estimated size of event: 10,000
Event Contact & phone number: Robert MacDonald

SECURITY DEPOSIT REFUND TO:
Name: Robert MacDonald
Address: 2558 W. Armitage
City: Chicago State: IL 60647

ALL PERMITS ARE SUBJECT TO THE FOLLOWING PROVISIONS:

I will submit to all provisions that are Legal — Robert MacDonald 3/4/97

BEST AVAILABLE COPY

Park Permit—Special Event Application (continued)

Are you requesting a donation at your event?
☑ Yes ☐ No People don't mind paying for it.
If so, please indicate the amount: Suggested on contribution

Does your event require street closures?**
☐ Yes ☑ No

EQUIPMENT

TENTS

Will you be erecting tents or canopies?
☑ Yes ☐ No

If yes, describe: 20 x 10 — 2 — 5000 = 5200
Number: 50 — Size: 10 x 10 — Total square feet

(Any single tent or canopy measuring over 240 square feet will require a building permit from the City of Chicago.)

Tent Company Information
Name: Each group will be responsible for their own tent.
Address:
Contact:

STAGES

Number: 1 — Size: 25 x 10 — Total square feet: 250

INFLATABLES

Number: — Size: The list of the Ferrillo Bouncy would work Fine and we request it. — Total height feet:

(Please provide 1 entrance for each inflatable on a separate sheet.)

SOUND

Do you intend to have live music or amplified sound at your event?
☑ Yes ☐ No

If yes, please describe and include the hours.
12 - 10 pm.

NOTE: The Park District does not provide electrical service. Any amplified sound is subject to the City of Chicago Noise Ordinance (11-4-1100).

ANIMALS

Do you intend to have live animals at your event?**
☑ Yes ☐ No If yes, please explain:
Pets

RIDES

Do you intend to have mechanical rides at your event?**
(Inflatable rides are only allowed as listed herein.)
☐ Yes ☑ No If yes, please explain:

VENDORS

The Chicago Park District has an exclusive agreement with Chicago Management Associates, L.L.C. for concession operations. Will you be requesting a waiver to vend food or merchandise at your event?

If so, you will be required to fill out and submit a waiver request form.

ALCOHOL

Are you requesting permission to include beer or wine vendors at your event?**
☐ Yes ☑ No

Are you requesting permission to give away beer or wine?**
☐ Yes ☑ No

NOTE: Dramshop or host liquor liability insurance of $1 million will be required if alcohol is sold or served.

** A copy of all city licenses and permits must be submitted at the time user fees are due. You must also apply with the Department of Revenue 121 North LaSalle Street, City Hall – Room 107.

PARKING

Parking vehicles on grass or service roads is strictly prohibited. Provisions for parking are not included in the issuance of any Chicago Park District Special Event Permit.

CANCELLATIONS

Must be done in writing 14 days prior to the event for a full user fee refund. (Group permits only)

BEST AVAILABLE COPY

STATE OF ILLINOIS)
)
COUNTY OF COOK)

AFFIDAVIT IN SUPPORT OF FIRST AMENDMENT CLAIM FOR WAIVER OF PARK DISTRICT INSURANCE REQUIREMENT OR FEE

I, Robert McDonald, being duly sworn, do hereby state as follows:

1. I am the applicant or an officer of the applicant for a Chicago Park District permit, a copy of the application for said permit is attached hereto.

2. I am requesting that the Board of Commissioners waive the insurance requirement of $ 1 million each occ/agg and/or the use fee of $ 525 a day + 1050 security dep.

3. I believe that the activity for which this permit is requested is protected by the First Amendment to the United States Constitution because: (describe)
This is a rally based on the theme of Drug Policy Reform.

4. I have reviewed the list of insurance companies provided by the Park District, have contacted agencies regarding policy prices, and believe that the insurance requirements described in paragraph 2 are so financially burdensome that they would preclude me/my organization from using Park District property for the proposed activity.

5. The user fee for this event is so financially burdensome that it would preclude me/my organization from using Park District property for the proposed event.

6. In support of this claim, I have attached financial information which I would like the Park District to consider in review my waiver request.

7. If the insurance requirement is waived, a Hold Harmless Agreement, in the form attached hereto will be provided to the Park District no later than twenty-four (24) hours prior to the permitted event.

Subscribed and Sworn to before me this 5 day of 3 199 7

OFFICIAL SEAL
GWEN DANCY
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES: 07/11/00

Notary Public

Robert McDonald
Affiant

Midwest Coalition for Drug Law Reform
Organization

I, Robert MacDonald submitt
as an organization at this moment (3
we have no money and we will
no money in the future.

Robert MacDonald

EXHIBIT C TO COMPLAINT

CHICAGO
PARK
DISTRICT

–

COME OUT AND PLAY

March 12, 1997

Robert MacDonald
2558 West Armitage
Chicago, IL 60647

Re: *Special Event Application for Park permit - May 10-11, 1997*

Dear Mr. MacDonald:

This is to advise you that your application for a Park Permit - Special Event, for Petrillo Bandshell and Butler Field on May 10 and 11, 1997, to hold a rally for the "Ad Hoc Coalition for Drug Law reform," has been denied. Denial is based on the following grounds:

1) In August 1996 you received two permits on behalf of the Festival of Life and Yippie! Festival of Life. As more fully explained in my letter to you dated September 17,1996, you violated the terms of those permits in multiple respects and misrepresented the nature and scope of your intended activities.

2) Your application for permit is incomplete or incorrect. While you state that your organization is a

not-for-profit, you also stated that it is not registered as such. The application requires that if you are applying as a not-for-profit, you must attach a current verification of section 501(c)(3) status.

3) As best we can determine the entity upon whose behalf the application has been filed, the Ad Hoc Coalition for Drug Law Reform, is not legally competent to contract and therefore is not a proper applicant.

Further, even if your application were accepted, your request for waiver of insurance requirements and security deposit would also be denied. Based on last year's experience, we are not willing to run the risk to taxpayers' money that would be caused by your proposed gathering without the necessary insurance and security deposit. As you know, your entire security deposit had to be withheld last time, and a security deposit is necessary to ensure that the Park District does not incur additional expenses. If your application were accepted, you would also have to supply additional information to support your request for a waiver of user fees. We would need a more detailed explanation of the purpose of the rally and what First Amendment rights are impacted.

Pursuant to Chapter VII, Section C(6) of the Code of the Chicago Park District, you have seven days from the receipt of this notice to file a written appeal to the General Superintendent of the Park District. Any such appeal should state the grounds upon which you believe the denial should be modified or reversed, and should be accompanied by copies of your application for permit, this letter, and any other documents that are material to the

determination.

Sincerely yours,

(Signature)

Joan Fencik
Deputy General Counsel

JF/nm

EXHIBIT D TO COMPLAINT

To: General Superintendent, Chicago Park District
Fr: Robert Mac Donald Ad Hoc Coalition for Drug Law Reform
Re: Appeal from March 13,1997 Permit Denial
Dt: March 18,1997.

APPEAL

I hereby appeal from the denial of a permit application which I filed on March 5, 1997. That application is attached hereto as Exhibit A, and the denial dated March 12,1997 and signed by Deputy General Counsel Joan Fencik is attached hereto as Exhibit B. It was transmitted to me on March 13,1997. My responses to the stated reasons for denial, numbered accordingly, are as follows:

1. I did not receive the September 17, 1996,
letter which Ms. Fencik mentions until after I received the denial of this permit application. In any event, Ms. Fencik does not particularize any of the alleged "violations" of an earlier permit or any of the alleged "misrepresentations" in connection with an earlier application. It is therefore difficult to respond or to assess whether they are "material" as even your own code requires or whether they can constitutionally form a basis for restraining future expression

in advance. If there were problems with a past event, those problems can no doubt be avoided from learning from the past and planning better now and in the future. None of Ms. Fencik's suggestions involve uncompensated damage to park property, and none involve anything which will necessarily be repeated at this event. Beyond this:

a) We had agreed to use the security deposit to pay the balance due for the "portapotties" to which Ms. Fencik refers. I fail to see how this amounted to any violation. Ms. Fencik certainly did not so inform me at the time, and she does not make this clear even now.

b) The Park District never informed me of any additional expenses in connection with the underground restrooms. I am not aware that they were ever, in fact, opened, in connection with the even to which Ms. Fencik refers. We were disappointed that they were never made available to us.

c) Similarly, no one ever asked for reimbursement of any additional expenses in connection with cleaning the stage and seating area. Butler Field itself was left in a clean condition, and so were these areas as far as I know. These areas would have been further cleaned if anyone had brought alleged problems to our attention.

d) With respect to "persons consuming alcohol," Ms. Fencik does not say who this was and how I can be held responsible for this. I doubt that you hold other park users strictly liable for

unauthorized beer consumption at their events. When Ms. Fencik brought a particular concern in this regard to my attention, I immediately saw to it that the problem was resolved.

e) Ms. Fencik permitted the vendors to which she refers. In fact, she took fees from those vendors for their use of Butler Field in August 1996. I also obtained appropriate permission for these vendors from the Park District's concessionaire and his client.

f) The approved vendors were also allowed to use their vehicles to set up and take down their tables and wares, and Ms. Fencik herself approved the positioning of two floats and the sound truck.

g) The tents and canopies were also permitted by Ms. Fencik, as her own handwriting on a site plan indicates.

h)The generator was positioned in cooperation with the Park District employees and Chicago Police Officers on the scene at the time it was brought in. The alternative location designated by Ms. Fencik would not have resolved the problems which she raised. Better coordination in the future can easily avoid this type of problem, and it hardly affords a reason to deny a permit for future expression.

2. Ms. Fencik's second ground for denial assumes that an organization must be exempt from federal income taxation under Section 501(c)(3) of the Federal Revenue Code before it is properly characterized as "not-for-profit." That is wrong as a matter of law. Many not-for-profit organization have no need for any federal tax exemption on their income and many others obtain exemptions under

other subsections of Section 50 I. If, on the other hand, the Park District intends to impose disabilities upon not-for-profits which are not exempt under Section 501(c)(3), it would raise serious constitutional concerns. For instance, at least one event, the Gore campaign rally, took place in Grant Park during the convention week last August which could not have been held at the behest of any 501 (c)(3) organization. We, of course, would object to any discrimination or otherwise improper treatment of non-501(c)(3) not-for-profit organizations. In any event, the application is not incomplete. We are not exempt from federal taxation under Section 501(c)(3).

3. The Ad Hoc Coalition for Drug Law Reform is an unincorporated association composed of individuals and other organizations which have a common purpose in drug law/policy reform. It is a growing coalition. If it cannot apply for a permit because it is incompetent to contract in its own name, it will be a simple matter to substitute a natural person with such capacity as the applicant. I am puzzled that Ms. Fencik never offered that as an alternative pursuant to the provisions of your code governing permit denials. In any event, I have this day submitted an amended application in my own name which fully cures whatever defect the original contained in this regard. See Exhibit C hereof.

Further, Ms. Fencik's comments concerning her contemplated denial of my request for a First Amendment waiver of security deposit and fees are also in error. I do not believe that a decision on a First Amendment waiver can properly be predicated on unspecified "last year's experience." Since Ms. Fencik has not specified what she means in this

regard, I cannot comment further at this time. I would be happy to respond to any details which she might raise. Similarly, although it appears to me that "a rally based of the theme of Drug Policy Reform" sufficiently establishes the First Amendment nature of the gathering, I would be happy to provide further details if Ms. Fencik has any further questions. I can easily answer the only specific question she poses: First Amendment free speech rights are "impacted" here.

Robert MacDonald

EXHIBIT E TO COMPLAINT

Chicago
Park
District
Come Out And Play

Forrest Claypool
General Superintendent and CEO
Chicago, IL 60605
FAX: (312) 747-6127
T.D.D.: (312) 427-3304
Voice: (312) 747-2657

425 East McFetridge Drive

March 24, 1997

Robert G. MacDonald
2558 West Armitage
Chicago, IL 60647

RE: Special Event Application for Park permit - May 10-11, 1997

Dear Mr. MacDonald:

This is to advise you that your appeal of the denial of your application for a Park Permit Special Event, for Petrillo Bandshell and Butler Field on May 10 and 11, 1997, to hold a rally for the " Ad Hoc Coalition for Drug Law Reform, " has been denied and the prior decision has been affirmed. In deciding your appeal, I have reviewed your application, the denial of that application, your March 18, 1997 appeal, all of the documents attached to that appeal, your prior applications, and other documents relating to the prior events. I have also spoken with Joan

Fencik about the circumstances surrounding your application and the prior events. Denial of your appeal is based on the following grounds, in the same order as contained in your March 18, 1997 appeal:

1) You state in your appeal that you did not previously receive the September 17, 1996 letter concerning the problems arising out of your previous permits. Ms Fencik assures me that the letter was mailed to the correct address. She also indicated that you admitted to her that you do not always receive mail sent to you at your address because "a lot of people live there. " We cannot be responsible for your not receiving a letter sent to the address that you have provided to us as your official address, and this certainly cannot be grounds for your appeal. Even if you did not receive the September 17, 1996 letter , the facts stated therein are not changed.

You state that Ms. Fencik did not particularize any of the alleged violations or misrepresentations in connection with your earlier applications. Her March 12, 1997 letter denying your permit application makes specific reference to the September 17, 1996 letter that enumerated some of the violations and misrepresentations. As explained in that letter, your previous permit for the Festival of Life was violated by (1) persons consuming alcohol, (2) unpermitted vendors; (3) unpermitted vehicles, including some driving on the grass; (4) unpermitted tents and canopies; and (5) improper placement of your generator, in violation of the Fire Code. In addition, the letter points out that your permit for the Yippie! Festival of Life was also violated by persons remaining in the park after 11 :00 p.m. each night, contrary to the Ordinance. In fact, your Yippie! Festival of Life permit application stated that it was

restricted to 9:00 p.m. nightly.

After further investigation, it appears that you violated both of your prior permits in other respects as well. From the very first, you violated your permits by parking a semi-trailer tractor next to the Petrillo stage. The permit application specifically states that this is not allowed. Additionally, multiple cars and trucks were driven across the grass, both as part of your parade, and by vendors. Your permit application specifically states that this automatically revokes your permit. Without authorization or approval, you removed seating and never returned it to its original position. The Park District had to pay to have the seats returned after your festival concluded.

Some of the above violations also constitute misrepresentations in your prior permits. For example, you represented that you would be using the parks until 11 :00 p.m. and 9:00 p.m. respectively, yet you remained well after that time each night. You stated in your permits that there would not be alcohol sold or given away, yet alcohol was consumed in violation of section B(7) of the Park District Ordinance.

a) You contend that you agreed to the Park District's use of your security deposit to pay the balance due for the "porta-potties," and thus your financial obligations were fulfilled. This did not satisfy your financial obligations or fully reimburse the Park District for the damages caused by your festivals. According to Ms. Fencik, on August 24, you agreed to pay $4000 for the toilets but paid only $2500 on that day. When the festival was concluding she told you that additional amounts were owed for the toilets and other expenses, and you stated that you and your organizations had no more money and

could not pay anything over and above the security deposit. The Park District incurred additional expenses to clean the underground bathrooms at Petrillo Bandshell, to clean the stage and seating area at Butler Field, and to restore the seating area.

b) The underground restrooms were in fact opened on August 24 during your festival because you had made no arrangements for toilets. The Park District paid the bill for cleaning those restrooms on August 24, 1996.

c) I have been informed that although the grassy area was left relatively clean, the stage area of Butler Field smelled of urine and had to be power washed after your festival.

d) Ms. Fencik indicates that when a particular person's consumption of alcohol was brought to your attention, you did have that person stop drinking. .However, there were no other attempts by you or your organization to check the use of alcohol or drugs. It was your responsibility, not the Park District's, to ensure that alcohol and drug consumption did not take place during your festival. You did not do so.

e) Both of your prior permit applications stated that there would be no vendors. Yet, at both festivals there were numerous vendors of clothes and trinkets. Apparently, on the last day of the event, you submitted a partial list of vendors, and some money. This does not excuse the misrepresentations on your permit applications or your failure to obtain permits for vendors. Neither Ms. Fencik nor the Park District approved these vendors.

f) According to Ms. Fencik, the sound truck was initially parked next to the stage without permission. After the truck was moved later in the day on August 24, and it became apparent that you had made no arrangements for secure parking, the Park District allowed the truck to be moved back to the seating area when your sound man stated that he would remove his equipment from the stage and leave rather than park the truck in an unsecured area. This accommodation allowed your festival to continue. Again because of lack of planning on your part, you were advised that one float, which you had made no arrangements to park elsewhere, could be in the park on "Environmental Justice Day. " There was not approval of any other float, and the one float remained beyond the approved day, until the Park District threatened to have it forcibly removed.

g) While tents were permitted, they were not placed at the agreed locations, and City permits were not obtained as required.

h) The generator location is clearly marked on the site plan attached to your appeal. However, you actually placed the generator on the opposite side of the building, with wires across the only ingress and egress to the bandshell. This was in violation of the Fire Code. The generator was not positioned there with guidance from the Park District or the Chicago Police. You were repeatedly asked to move the generator, but did not.

2) The not-for-profit designation on the permit application, and the requirement of a section 501(c)(3) certificate is to provide objectivity with respect to reduced fees, rather than allowing that decision to be left to the discretion of whoever

processes the application. The Park District has a separate fee schedule for a section 501(c)(3) organization. Thus, in order to obtain a reduced fee, the applicant must have 501(c)(3) status. Again, your lack of such certification does not preclude you from obtaining a permit, but it does preclude you from the reduced fees.

3) You correctly point out that the defect in applicant can be cured by submitting an application in the name of a different organization or person. However, your amended application does not cure the other deficiencies in your application, most notably the violation of prior permits. This remains true whether the applicant is your ad hoc committee, you individually, or any other applicant who submits an application on your behalf. Until the previous violations and misrepresentations are fully addressed and resolved, the Park District will deny you a permit.

Fee Waivers - As discussed above, the amount of the user fee is set by Park District uniform fee schedule. Since your organization does not have 501(c)(3) status, the ordinary fee schedule applies to your permit and the user fee of $8000/day would be required to be paid no later than 30 days prior to the event.

You also seek a waiver of the security deposit and insurance certificate. Surprisingly, your appeal suggests that you do not understand what Ms. Fencik is referring to when she alludes to "last year's experience." To make it perfectly clear, last year's experience refers to the Festival of Life and Yippie! Festival of Life events that you staged. As discussed in more detail above, those festivals required the Park

District to retain the entire $1500.00 security deposit to fulfill your obligation to Waste Management, and to incur additional expenses that have not been recovered. The potential exposure to the Park District also would require me to insist on the full insurance certificate. The applicable security deposit, in accordance with the Park District's Uniform schedule, is $2500.00. The amount of insurance required is also set by a uniform schedule of insurance guidelines. Your event would require a certificate of insurance in the amount of $1,000,000.00.

The two permits that you submitted in 1996 make it very clear that there are various actions that result in the revocation of your permits and the denial of further permits. It is expressly stated that failure to comply with the alcohol consumption requirements automatically revokes the permit, as does driving or parking motorized vehicles on the grass.

The permit applications state that you are responsible for your vendors and patrons and that you, and they, must comply with all Park District and City of Chicago Ordinances and rules. And, the permit applications state unequivocally that "violation of the terms of this permit shall be grounds for denial of all future permit applications." The Park District Code contains this same provision.

Very truly yours,

Forrest Claypool

Forrest Claypool
General Superintendent

/nm
c: Joan Fencik

EXHIBIT F TO COMPLAINT

To: General Superintendent, Chicago Park District
Fr: Robert Mac Donald / Ad Hoc Coalition for Drug Law
Re: Reform Appeal from March 13,1997 Permit Denial
Dt: March 18, 1997.

AMENDED APPEAL

I hereby appeal from the denial of a permit application which I filed on March 5, 1997. That application is attached hereto as Exhibit A, and the denial dated March 12, 1997 and signed by Deputy General Counsel Joan Fencik is attached hereto as Exhibit B. It was transmitted to me on March 13, 1997. My responses to the stated reasons for denial, umbered accordingly, are as follows:

7. I did not receive the September 17, 1996, letter which Ms. Fencik mentions until after I received the denial of this permit application. In any event, Ms. Fencik does not particularize any of the alleged "violations" of an earlier permit or any of the alleged "misrepresentations" in connection with an earlier application. It is therefore difficult to respond or to assess whether they are "material" as even your own code requires or whether they can constitutionally form a basis for restraining future expression in advance. If there were problems with a past event, those problems can no

doubt be avoided from learning from the past and planning better now and in the future. None of Ms.Fencik's suggestions involve uncompensated damage to park property, and none involve anything which will necessarily be repeated at this event. Beyond this:

a) We had agreed to use the security deposit to pay the balance due for the "portapotties" to which Ms. Fencik refers. I fail to see how this amounted to any violation. Ms. Fencik certainly did not so inform me at the time, and she does not make this clear even now.

b) The Park District never informed me of any additional expenses in connection with the underground restrooms. I am not aware that they were ever, in fact, opened, in connection with the event to which Ms. Fencik refers. We were disappointed that they were never made available to us.

c) Similarly, no one ever asked for reimbursement of any additional expenses in connection with cleaning the stage and seating. Butler Field itself was left in a clean condition, and so were these areas as far as I know. These areas would have been further cleaned if anyone had brought alleged problems to our attention.

d) With respect to "persons consuming alcohol, " Ms. Fencik does not say who

this was and how I can be held responsible for this. I doubt that you hold other park users strictly liable for unauthorized beer consumption at their events. When Ms. Fencik brought a particular concern in this regard to my attention, I immediately saw to it that the problem was resolved.

e) Ms. Fencik permitted the vendors to which she refers. In fact, she took fees from those vendors for their use of Butler Field in August 1996. I also obtained appropriate permission for these vendors from the Park District's concessionaire and his client.

f) The approved vendors were also allowed to use their vehicles to set up and take down their tables and wares, and Ms. Fencik herself approved the positioning of two floats and the sound truck.

g) The tents and canopies were also permitted by Ms. Fencik, as her own handwriting on a site plan indicates.

h) The generator was positioned in cooperation with the Park District employees and Chicago Police Officers on the scene at the time it was brought in. The alternative location designated by Ms. Fencik would not have resolved the problems which she raised. Better coordination in the future can easily avoid this type of problem, and it hardly

affords a reason to deny a permit for future expression.

i) Finally, I was not present in Lincoln Park for the violations which Ms. Fencik alleges. She and others had many discussion about those matters at and prior to the time, and it is disingenuous for her to raise these matters now as "violations" of the permits with which I was involved. All of my activities in Lincoln Park ended well before the park closed, and I did not encourage anyone to stay in the park after that time.

2. Ms. Fencik's second ground for denial assumes that an organization must be exempt from federal income taxation under Section 501(c)(3) of the Federal Revenue Code before it is properly characterized as "not-for-profit." That is wrong as a matter of law. Many not-for-profit organization have no need for any federal tax exemption on their income and many others obtain exemptions under other subsections of Section 501. If, on the other hand, the Park District intends to impose disabilities upon not-for-profits which are not exempt under Section 501(c)(3), it would raise serious constitutional concerns. For instance, at least one event, the Gore campaign rally, took place in Grant Park during the convention week last August which could not have been held at the behest of any 501(c)(3) organization. We, of course, would object to any discrimination or otherwise improper treatment of non-501 (c)(3) not-for-profit organizations. In any event, the

application is not incomplete. We are not exempt from federal taxation under Section 501(c)(3).

3. The Ad Hoc Coalition for Drug Law Reform is an unincorporated association composed of individuals and other organizations which have a common purpose in drug law/policy reform. It is a growing coalition. If it cannot apply for a permit because it is incompetent to contract in its own name, it will be a simple matter to substitute a natural person with such capacity as the applicant. I am puzzled that Ms. Fencik never offered that as an alternative pursuant to the provisions of your code governing permit denials. In any event, I have this day submitted an amended application in my own name which fully cures whatever defect the original contained in this regard. See Exhibit C hereof.

Further, Ms. Fencik's comments concerning her contemplated denial of my request for a First Amendment waiver of security deposit and fees are also in error. I do not believe that a decision on a First Amendment waiver can properly be predicated on unspecified "last year's experience." Since Ms. Fencik has not specified what she means in this regard, I cannot comment further at this time. I would be happy to respond to any details which she might raise. Similarly, although it appears to me that "a rally based of the theme of Drug Policy Reform" sufficiently establishes the First Amendment nature of the gathering, I would be happy to provide further details if Ms. Fencik has any further questions. I can easily

answer the only specific question she poses: First Amendment free speech rights are "impacted" here.

Robert MacDonald

Exhibit G to Complaint

CHICAGO PARK DISTRICT
425 EAST McFETRIDGE DRIVE
CHICAGO, ILLINOIS 60605

FORREST CLAYPOOL
GENERAL SUPERINTENDENT AND CEO

Office: 312-747-2657
Fax: 312-747-6127
TDD: 312-427-3304

March 26, 1997

Robert G. MacDonald
2558 West Armitage
Chicago, 1L 60647

RE: Permit Application-May l0-ll, 1997

Dear Mr . MacDonald :

For the reasons stated in my letter to you dated March 24, 1997, your Amended Appeal is denied. In response to your new paragraph 1 (i), you were the permittee on the Lincoln Park permit, and were responsible for ensuring that all requirements of the permit were met. Your failure to be on site to supervise your own event does not excuse the permit violations.

Very truly yours,

Forrest Claypool
General Superintendent

cc: Joan Fencik
[AMENDED ORDINANCE]

CHAPTER VII. USE OF PARKS. DEFINITIONS.

SECTION A.

For purposes of this chapter, the following words, terms, phrases and their derivatives shall have the meanings set forth in this section. When not inconsistent with the context, the present tense shall include the future tense; the plural shall include the singular number and the singular number shall include the plural number.

"Amplified Sound" means any sound projected or transmitted by artificial means, including, but not limited to, loudspeakers, amplifiers, powered megaphones or any similar devices.

"Horse" means any member of the equine family.

"Parade" means any march or other organized movement of persons from place to place, or about a place.

"Pollute" means to perform any act or acts destroying, contaminating, fouling or otherwise altering the physical, topographic, chemical or biological properties of a park, including land, waters, buildings, furnishings, equipment, vegetation and animals, including, but not limited to, the deposit of garbage, litter or water matter; changes in the temperature, taste, color, turgidity or odor of water; the discharge of any liquid, gas, solid, radioactive or other substance in any park which causes, or is likely to cause, a public nuisance or an injury to the public health, safety or welfare, or injury to vegetation or animals, or otherwise impair the safe, healthful and beneficial

use of a park.

"Stallion" means a male horse, not castrated

SECTION B. RULES GENERALLY

1. Violation of State or Federal Laws.

No person shall commit a violation of this Code, or local, state or federal laws or regulations while on Park District property.

2. Park Hours.

No person shall be or remain or leave any vehicle in any part of any park which is fenced in or provided with gates, between the closing of the gates at night and their reopening on the following day; nor shall any person be or remain or leave any vehicle in any park not fenced in or provided with gates, between the hours of 11 :00 p.m. and 6:00 a.m. on the following day, except that:

a persons and vehicles may pass through such parks without stopping on the more direct walk or driveway leading from their point of entrance to the exit nearest to their point of destination;

b. persons may pass through the parks without stopping to place or remove a vehicle from a Park District garage or lot;

c. persons may occupy boats property moored in Park District harbors and allow their vehicles to remain at such time in Park District garages or lots designated by the General for mooring permittees;

d. persons may pass through such parks without stopping to occupy a boat property moored in a Park District harbor;

e. persons and vehicles may pass through or occupy a park for a Park District sponsored activity; and

f. vehicles may remain in Park District garages or lots which by order of the General Superintendent remain open after the park closing hours.

3. Restricted Areas.

a. Entering Prohibited Areas.

No person shall enter upon any portion of the Park System where persons are prohibited from going by direction of the General Superintendent, as indicated by sign or notice.

b. Entering Unfinished Areas.

No person shall enter upon any part of the Park System which is in an unfinished state or under construction.

c. Entering Building or Areas Closed to Public or Scheduled for Specific Group or Activity .

No person shall enter or attempt to enter any building or area in the Park System if or when it is closed to the public, if a permit has been issued for use of it by an individual or group, unless invited by said individual or group, or if a permit is required for use.

d. Use of Rest Rooms and Comfort Stations.
No person shall fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary

condition. No person over the age of four years shall use the restrooms designated for the opposite sex. No person under the age of four years shall use any restroom unless accompanied by a person over the age of eighteen.

e. Playgrounds Designated for Persons under Twelve Years of Age.

No person the age of twelve years or older shall use playground equipment designed for persons under the age of twelve years.

4. Entering or Remaining in Waters.

No person shall enter or remain in any waters of the Park System except as herein provided.

a. Pools and Natatoria

Entering or remaining in park swimming pools and natatoria designated for swimming shall be permitted on such days, at such times and subject to such rules and regulations as prescribed by the General Superintendent

b. Lake Michigan, Humboldt Park and Douglas Park Beaches and Adjacent Waters.

(1) Authorized Beaches

Entering or remaining in the waters of Lake Michigan adjacent to or in the lands of the Park District shall be permitted only at the following authorized bathing beaches:

Calumet
Rainbow
South Shore
67th Street
64th Street
57th Street
51st Street
49th Street
31st Street
74th Street
Albion Avenue
Ardmore-Hollywood
Columbia Avenue Fargo
Fullerton Avenue
Howard Avenue
12th Street
Ohio Street
Oak Street
North Avenue
Montrose Avenue
Foster Avenue
Loyola (Greenleaf Avenue)
Touhy
Juneway Terrace
Loyola Avenue
North Shore Avenue
Pratt Boulevard
Rogers Avenue
Eastlake Terrace
Thorndale Avenue
Humboldt Park Avenue
Douglas Park Beach

(2) Authorized Times.

Entering or remaining in the water at said beaches shall be permitted only during the bathing season established by the General Superintendent. The General Superintendent may extend or shorten said bathing season at some or all beaches or parts thereof and may eliminate beaches or parts thereof from said designated bathing beaches, during the bathing season with due regard for weather conditions and the safety of the public during said bathing season. No person shall enter or remain in the water at any of the authorized bathing beaches:

(a) between the hours of 9:30 p.m. and 9:00 a.m.;

(b) during storms or in dangerous or unauthorized areas including, without limitation, areas at which no swimming

and/or no diving signs or symbols are posted or otherwise displayed;

(c) more than fifty yards from the shore line of the bathing beach; or

(d) when closed by order of the General Superintendent or his/her designee.

No person shall dive into the water at any authorized bathing beach, or into the water adjacent to any lands of the Park District, if said water is five feet deep or less or where no swimming or no diving signs or symbols are posted or otherwise displayed.

(3) Prohibited Activities.

(a) no person shall ride, drive, or transport any bicycle or motor vehicle upon a bathing beach, except where racks for the storage of bicycles are provided by the Park District bicycles may be stored in said racks.

(b) Except in locations designated for such purpose, no person shall engage in any athletic game or sport or in any activity upon a bathing beach or in the water, when injury or inconvenience to himself/herself or others might result therefrom.

(c) No person shall conduct himself/herself upon any bathing beach or in the water in such a manner as to jeopardize the safety

and health of himself/herself or others.

(d) No person shall change clothes except in beach houses or other enclosed places furnished by the Park District.

(e) No person shall swim, dive or enter the water fronting any bathing beach while wearing or carrying an air or gas tank or tanks for the purpose of underwater breathing in the activity commonly known as skin or scuba diving.

(f) Notwithstanding the provisions of this chapter, Section B.4.b.(3)(e), above, skin or scuba diving shall be permitted at such locations as shall be designated by the General Superintendent and subject to such rules and regulations pertaining to the safety of the participants and the public as the General Superintendent shall prescribe.

(g) No person or persons shall use any artificial floats of any kind or description in any park waters.

(h) No person shall carry on unnecessary conversation with lifeguards; or falsely call for help or assistance; or stand or sit upon or cling to any lifeguard perches or light towers; or, except in an emergency, go into or cling to any lifeguard boats.

5. Injury to or Destruction of Park Property

No person shall in any park:

a. destroy, cut, break, deface, mutilate, injure, disturb, sever from the ground or remove any sod, earth or growing thing including, but not limited to, any plant, flower, flower bed, shrub, tree, growth, or any branch, stem, fruit, or leaf thereof; or bring into or have in his/her possession in any park any tool or instrument intended to be used for the cutting thereof, or any garden or agricultural implements or tools which could be used for the removal thereof except as approved and allowed by permit;

b. set fire to any trees, shrubs, plants, flowers, grass, plant growth or living timber, or suffer any fire upon land to extend into park lands;

c. go upon any lawn, grass plot, planted area, tree, shrub, monument, fountain, sculpture or structure where access is prohibited by signs or symbols which are posted or otherwise displayed or where access is restricted by fence or other physical barrier;

d. cut, break or in any way injure, deface, destroy or alter any building, fence, monument, sculpture bridge, or other structure or property contained therein;

e. operate or drive any motor car, automobile or vehicle of any kind in the Park System in places other than roadways or in such a manner as to cause the same to collide with, run against, strike or cause to strike, injure, deface or damage any park property

or appurtenance of any kind;

f. fasten any animal or attach any rope, sign, handbill or other things to any tree or shrub or to any protective device around any tree or shrub growing in the Park District;

g. allow any animal to injure or deface any tree, plant, shrub, lawn or grassplot in any manner whatsoever;

h. fasten any bicycle, motor cycle, moped or other vehicle to or leave the same standing so as to injure any tree, shrub, lawn or grass plot; or

i. deface, destroy, cover over or otherwise make unreadable any warning or prohibitory sign or symbol on park property.

6. Fires.

No person shall light or make use of any fire in the Park District except at fires for cooking purposes may be made in portable metal containers or grills under such regulation as may be prescribed by the General Superintendent. The General Superintendent shall designate areas in the parks in which grilling will not be permitted. Areas where grilling is permitted shall be equipped with special containers for deposit of charcoal and shall have access to water. The General Superintendent shall institute a program informing Park patrons of the danger to the health of trees and shrubs caused by depositing charcoal

near them. Any such fire shalt be continuously under the care and direction of a competent person over eighteen years of age from the time it is kindled until it is extinguished. No fire shalt be built within ten feet of any tree or building, or beneath the branches of any trees or in any underbrush. Every person who starts any such fire and every person starting or using such fire shalt completely extinguish fire or fires before leaving such park and shall dispose of any residue or refuse therefrom in an appropriate container. Cigars, cigarettes, charcoal bricquets and matches shall be extinguished and deposited in a suitable container provided for the reception thereof.

7. Alcoholic Beverages.

No alcoholic beverages shall be sold, brought within, given away, delivered or consumed on park property , except pursuant to permits or concessions issued pursuant to this Code.

8. Games and Sports.

No person shall engage in any athletic game or sport in the Park System except such portions thereof as may be designated for that purpose by the General Superintendent, and then only under such rules and regulations as may be prescribed by him/her .

a. Skating, Sledding, Skiing in Reckless Manner

No person shall skate, skateboard, sled or ski in any part of the Park System in a reckless

manner, or at the speed greater than is reasonable and proper, having due regard to the number of people in such part of the Park System and the use thereof, or so as to endanger life or limb, or damage the property of any person; provided, however, that nothing herein contained shall be construed to prohibit any exhibition of, or contests in, fast or fancy skating on such portions of any ice pond or rink as may be set aside for that purpose by the General Superintendent or his/her designee. Skating of all types, including, but not limited to, roller skating, skateboarding and cycling shall be prohibited at all times within the confines of the Lincoln Park Zoo Area.

b. Golf.

All persons are hereby prohibited from practicing and playing golf upon the playgrounds or parks of the Park District except upon the designated public golf links of Park District at the times and in the areas as may be designated by the General Superintendent.

c. Bicycling.

Persons may operate a bicycle only on paths, trails, roadways or other areas designated for bicycle use. Persons operating bicycles must ride on the right-hand side of such path, trail, roadway or other area designated for bicycle use by the General Superintendent. No person may operate a bicycle while carrying another person on the handlebars, frame or fender, or

so ride on a bicycle, except in a suitable seat attached to such bicycle for such purpose. No person may operate a bicycle in a reckless manner so as to endanger pedestrians. No person shall cling or attach himself/herself or his/her bicycle to any other moving vehicle. The operator of a bicycle shall yield the right-of-way to all pedestrians on walkways and to all vehicles on roadways, and shall walk his/her bicycle in all areas where riding is prohibited by the General Superintendent, as indicated by sign or notice. The operator of a bicycle shall give an audible warning, by horn, bell, voice or otherwise, when approaching any pedestrian from behind.

9. Day Camps.

Day camps, play classes or organized groups not sponsored by the Park District may use facilities of the Park System when not in conflict with the Park District recreational program, with the approval of the General Superintendent.

10. Bringing Animals in Park

a. Animals Permitted.

No person owning or being custodian or having control of any animal shall cause or permit such animal to enter or remain on Park District property, except

(1) a domestic animal may be brought into a park so long as such animal is continuously restrained by a leash not exceeding six feet in length and

such animal does not enter or remain in any building, zoo, playground, bathing beach, harbor, lagoon, swimming pool, spray pool, garden, athletic field, animal or bird refuge, or other areas that may be designated by signs as prohibited areas; and

(2) Horse, except for a Stallion, may enter or remain on Park District property as provided by a permit issued pursuant to this chapter, Section C, or concession permit issued pursuant to Chapter IX.

(3) subject to the permit, indemnification, reimbursement and insurance requirements enunciated in Chapter VII., Section C of this Code, a permittee may bring onto park property a tame, non-domestic animal for limited noncommercial or promotional purposes, so long as the animal is being supervised and controlled or restrained.

Nothing in this Code shall prohibit a dog assisting a sight-impaired person from entering or remaining at any location in the Park System or a person from bringing a dog to a dog-obedience event or a charitable organization from bringing onto park property a tame, non-domestic animal for limited non-commercial, promotional purposes, so long as the animal is being supervised and controlled or restrained or any animal together events for which a permit has

been issued pursuant to this chapter, Section C., below. No person having the care or charge of any dog, cat or other domestic animal shall permit such animal to enter or drink the water of any drinking fountain, pool, lake or pond in any park except at places designated or maintained therefor.

b. Animal Nuisance.

No person having the right and ability to prevent shall, knowingly or carelessly or negligently, permit any dog, cat or other animal to commit any nuisance upon any sidewalk or parkway of any public way in the Park District; or upon any public parks, public beaches, harbors or other public grounds and the buildings thereon excepting the roadway of any public way; nor shall any such person omit to do any reasonable and proper act, or take any reasonable and proper precaution, to prevent any such dog or other animal from committing such a nuisance in, on or upon any of such places or premises herein specified. Any person having the custody or control of any dog, cat or other domestic animal shall have the responsibility for cleaning up any feces of the animals and to dispose of such feces in a sanitary manner.

c. Animal at Large.

Any animal found at large in the Park System may be seized and impounded or disposed of pursuant to the laws or ordinances of the City of

Chicago in relation to the disposal of stray animals on the highways or other public places. Any animal found within the Park System in violation of this chapter may be apprehended, removed to the animal shelter, public pound, or any other place provided for that purpose, and impounded, all at the expense of the owner.

11. Animals Owned by the Park District.

No person shall within any park molest, kill, wound, trap, snare, hunt, take, chase, shoot or throw missiles at, remove or have in his/her possession any animal or animal habitat including, but not limited to, birds and bird or squirrel nests, fish, water fowl and reptiles. No person shall remove the young from the eggs of any such animal. No person shall feed animals in any zoo area except unconfined squirrels, sparrows, pigeons and ducks. No person shall throw anything whatever into any animal cage or enclosure, or tease, annoy, frighten, molest or injure in any manner any animal or bird whether confined or otherwise.

12. Loitering so as to Obstruct Public Ways and Places.

It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone and/or in consort with others or on park property in such a manner as to:

a obstruct any driveway, public sidewalk or any other place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles,

traffic or pedestrians; or

b. commit in or upon any driveway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any public street, public highway, public sidewalk or any other public place, or building, all of which prevents the free and uninterrupted ingress and egress.

13. Polluting and Littering.

a. Littering.

No person shall bring into, leave behind, or dump any material of any kind, whether waste or otherwise, in the park, except refuse, ashes, garbage and other material arising from the normal use and enjoyment of a picnic or other permitted activity provided such material is deposited in receptacles provided for such purposes.

b. Polluting.

No material of any kind shall be left or deposited in parks so as to pollute the land, waters or air coursing through or over the parks or otherwise to interfere with proper use and enjoyment of the park. No person shall throw, cast, deposit, damage, lay, place or scatter in the water of Lake Michigan adjacent to the Park District, or on any

waterway, harbor or lagoon of the Park District, or upon any bathing beaches of the Park District any glass, bottles, nails, cans or other sharp or cutting substances of any kind. No person shall throw, cast, lay, drop or discharge into or leave in the boating beaches or waters in any park or in any storm sewer, or drain flowing into said waters, any substance, matter or thing, liquid or solid, which may or shall result in the pollution of said waters.

14. Hindering or Soliciting Employees or Contractors.

No person shall interfere with, or in any manner hinder any Employee or Contractor of the Park District while engaged in constructing, repairing or caring for any park property; nor shall any person solicit any Employee or Contractor of the Park District while such Employee or Contractor is on duty.

15. Vehicles.

a. Snowmobiles.

No snowmobiles or similar vehicles shall be permitted upon a boulevard, driveway or upon any and all areas or premises within the Park System, unless written permission is granted by the General Superintendent.

b. Unattended Vehicles.

No motor vehicle shall be left unattended in any parking area while the motor of such vehicle is running, or when standing upon a

perceptible grade without effectively setting the brakes and turning the wheels of such motor vehicle toward the curb or the side of the parking area.

c. Exception for Emergency Vehicles and Park District Vehicles.

The provisions of this section shall not be construed to relate to emergency, police or fire department vehicles or any vehicle owned by the Park District or a Park District Employee displaying proper identification where the Employee is duly authorized to operate such vehicle at such location.

d. Noise Created by Vehicles.

It shall be unlawful to operate a vehicle which makes unusually loud or unnecessary noises.

e. Repairs to Vehicles.

No person shall change any parts, repair, wash, grease, wax, polish or clean a vehicle on any parking area within the Park District except such repairing, cleaning or polishing as is necessary to insure good vision, or such emergency repairs as are necessary to remove such vehicle from the parking area.

f. Racing Prohibited.

It shall be unlawful to race or drive in excess of the posted speed or in the absence of posting thirty miles per hour on any roadway within the Park District. It shall be unlawful to race or

drive any motor vehicle in any parking facility of the Park District at a speed in excess of that required to enter into a parking space in any such facility.

g. Illegally Parked Vehicles.

Whenever any vehicle is parked in violation of the provisions of this chapter prohibiting or restricting parking, and there is no person in attendance upon such parked vehicle to be arrested or served immediately with a notice to appear in court to answer the charge of such violation, any police Officer observing such violation may attach to the vehicle used in such violation, a notification ticket, so that the person in whose name such vehicle is registered may appear in court on a day certain, and at a designated court room to be named in such notice, and answer to the charge of such violation. It shall be unlawful for any person other than the driver of the vehicle to which said notice is attached to remove the notification ticket from said vehicle.

h. Erection of Signs Indicating when Parking is Prohibited in Parking Lots.

The General Superintendent shall erect signs indicating the hours in which parking is prohibited in parking lots in parks, and it shall be lawful for the operator of a vehicle to park any such vehicle in any such parking lot in violation of any such sign.

i. Establishment of Areas for Parking of Vehicles Equipped with Trailers Designed for Carrying Boats.

The General Superintendent may establish parking areas in which parking shall be limited to vehicles equipped with trailers designed for carrying boats, and no person shall park a vehicle in said areas unless a trailer designed for carrying boats is attached thereto.

j. Parking Fees.

The Board shall establish from time to time rates and fees for parking in any and all the parking facilities of the Park District, which fees shall be collected daily and delivered to the Treasurer within twenty-four hours thereafter.

k. Parking Meter Zones.
(1) Established.

The Board by order may establish parking meter zones in which parking shall be prohibited for a longer time than indicated in such order.

(2) Installation, Supervision of Parking Meters

The General Superintendent shall cause parking meters to be installed in such numbers and at such places in parking meter zones as established by the Board as in its judgment may be necessary to the regulation, control, and inspection of the parking of vehicles herein, and shall cause parking meter spaces to be so designated as

hereinafter provided. He/she shall have supervision of the installation, operation, maintenance, regulation and use of such meters, and the Treasurer shall have charge of the collection of coins deposited in said meters.

(3) Parking Regulated.

The operator of a vehicle shall not park such vehicle in a parking meter zone as established by order of the Board, except as hereinafter provided. The Board shall by order designate the hours of the day and the days of the year when parking in a parking meter zone is governed by the terms of said order. Each parking meter shall bear thereon a legend indicating the days and hours when the requirement to deposit coins therein shall apply.

(4) Time Limitations: Fees.

Time limitations for parking in parking meter zones shall be as established from time to time by the Board. Parking fees in parking meter zones shall be as established by the Board.

(5) Placement of Meters.

Parking meters shall be installed immediately adjacent to the individual parking places designated. Each parking meter shall be set in such manner as to display by a signal that the parking space adjacent to such meter is or is not legally In use. Each parking meter shall

indicate the value of the coins to be deposited, the legal parking time established and when operated shall indicate the duration of the period of legal parking, and on the expiration of such period, shall indicate illegal or overtime parking.

(6) Pavement Markings.

The General Superintendent shall have markings painted or placed upon the pavement adjacent to each parking meter for the purpose of designating the parking space for which said meter is to be used, and each vehicle parking adjacent to any parking meter shall park within the lines or markings so established. It shall be unlawful to park any vehicle in such position that the same shall not be entirely within the area so designated by such lines or markings.

(7) Deposit of Coins.

When any vehicle shall be parked in any parking meter zone the operator of such vehicle shall, upon entering the parking space, immediately deposit or cause to be deposited a coin of the United States in such parking meter, of the denomination indicated, and put such meter in operation. Failure to deposit such coin and put the meter in operation shall constitute a violation of this Code.

(8) Time Limits.

Upon placing such meter in operation as aforesaid, the parking space may be lawfully

occupied by such vehicle for the period of time designated on the meter for the value of the coins deposited in such meter.

(9) Use of Coins.

The coins required to be deposited hereby are levied and assessed as fees to cover the cost of supervision, inspection, installation, operation, maintenance, control and use of the meters, for the cost of supervising and regulating the parking of vehicles in the parking meter zone, for the purpose of acquiring, establishing, improving, maintaining and operating parking facilities, and for the purpose of traffic regulations.

(10) Tampering with Meter.

It shall be unlawful for any person to deface injure, tamper with, open or willfully break, destroy, or impair the usefulness of any parking meter.

(11) Using Slugs Prohibited.

(a) It shall be unlawful for any person to insert, or attempt to insert, into the coin receptacle of any parking meter, any slug, button or other substance, or to manipulate or operate in any manner whatever, any parking meter or any mechanism or device connected or commonly used therewith, with the intent to park in a parking meter zone without paying therefor.

(b) It shall be unlawful for any person to insert, or to attempt to insert. into the coin receptacle of any parking meter, any slug, button, wire, hook, or other implement or substance with the intent to obtain-from such coin receptacle a legal tender coin of the United States.

I. Parking Prohibited Except in Designated Parking Area.

The General Superintendent may, by rule, designate certain enclosed areas in which parking shall be allowed only by prepaid permit. The General Superintendent shall set the term of validity for such permit and the schedule of fees for its use. All persons having paid a fee shall receive from the General Superintendent a dashboard identification card valid for the term of the permit and a device or card which will activate the automatic entrance and exit gates at the designated parking areas. Every vehicle parked within the designated parking area must clearly display said identification card on the dashboard of the parked vehicle. Should any vehicle parked within the designated permit parking area not display the proper identification card for that particular designated area, said vehicle shall be subject to fine and towing.

16. Explosive Devices.

No person shall fire, discharge or set off any rocket, cracker, torpedo or other fireworks, or any substance of an explosive nature within the Park System.

17. Parties and Parental Responsibility.

a. The parent or legal guardian of a minor defendant who resides with such parent or legal guardian shall be jointly and severally liable for any fine or condition of restitution or reparation imposed by a court upon a minor for violation of this Code; provided that the payment may not be demanded of such parent or legal guardian unless and until the minor has not paid the fine or made restitution or reparation within the time ordered by the court; and provided that said parent or legal guardian has been served with summons or notice to appear in the original cause and all proceedings thereafter as provided by law.

b. Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared herein to be unlawful, as a principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this Code is likewise guilty of such offense.

c. Any person who is the owner, registered owner, or person in control of any animal, vehicle or other property of any kind brought, placed, parked or allowed to remain on park property in violation of this Code or any regulations issued

pursuant to the Code, shall be deemed prima facie responsible for such violation and shall be subject to the penalties provided for herein.

18. Fines and Appeals.

a. Fines.

The violation by a person or other legal entity of this chapter shall subject such person or entity to a civil fine of up to $500. Each day that a violation continues shall be deemed a separate violation. The Park District shall give such person or entity prompt written notice of any fines. Such notice shall be served on the person or legal entity by personal delivery, or by deposit in the United States mail, with proper postage prepaid to the name and address of such person or entity.

b. Appeal Procedures.

A person or other legal entity who wishes to appeal the proposed imposition of a fine for violation of this chapter shall file such an appeal within ten days after actual receipt of the notice by filing with the General Superintendent or his/her designee a written request for hearing. If no timely appeal is filed, the General Superintendent may proceed to execute the proposed fine and such person or entity shall have no further right of appeal.

c. Hearing.

Upon receipt of a timely request for hearing, the

hearing will be scheduled by the Deputy General Superintendent of Parks and Recreation within thirty days after receipt by the Deputy of the written request for hearing. The appellant will be notified in writing of the time and place of the hearing. The hearing will be conducted by an impartial non-Employee hearing Officer appointed by the General Superintendent or his/her designee. The Park District shall have the burden of proving by a preponderance of the evidence any charge of violation of this chapter. At the hearing, the appellant shall have the right to counsel, to call witnesses and present evidence in his/her behalf, to see all evidence against him/her and to cross-examine opposing witnesses. The hearing Officer shall not be bound by the technical rules of evidence but may admit such evidence as is commonly relied upon by reasonably prudent persons in the conduct of their affairs. Within thirty days after completion of the hearing, the hearing Officer shall submit a written recommendation to the General Superintendent sustaining, modifying, or reversing the proposed action of the Deputy . Within ten days after their receipt of the hearing Officer's recommended decision, the Deputy and/or the appellant may file with the General Superintendent written exceptions to the recommended decision. With ten days after the last date for filing exceptions to the recommended decision, the General Superintendent shall render a final decision in the name of the Park District accepting, modifying or reversing the recommended decision of the hearing Officer. The Deputy shall then promptly execute the decision of the General Superintendent.

19. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance be held invalid, the remainder of this ordinance and the application of such provision to other persons or circumstances shall not be affected thereby. The Park District reserves the right to amend or repeal this ordinance at any time; and an rights, privileges and immunities conferred by this ordinance or by acts done pursuant hereto shall exist subject to such power.

SECTION C. - PERMITS.

1. Designation of Park Facilities.

a. Proposed Designation.

The General Superintendent shall classify all park property under a uniform system of classification and designate for each such classification the use or uses which, in his/her judgment, should be permitted therein. Categories of classifications which the General Superintendent shall designate may include, but are not limited to, parks, playgrounds, playlots, fieldhouses, boat harbors, and leased facilities. The General Superintendent shall classify all park property under the following classification system:

(1) public forums;
(2) limited use areas;
(3) areas or facilities not designated for public assembly; or
(4) special facilities.

The General Superintendent shall then record the designations for each park and shall transmit the same promptly to the Board, which shall then approve, amend or reject the designations. Thereafter, the General Superintendent may, from time to time, as he/she shall deem necessary and proper, amend or revise his/her designations and shall promptly transmit in writing the amendments or revisions to the Board, which shall approve, amend or reject the same. All such designations, and the General Superintendent's amendments and revisions thereof, shall be in full force and effect

from the time that the same are expressly approved as such or as amended by the Board.

b. Public Review of Proposed Designation.

Simultaneous with the transmission to the Board of the plats or maps required by this ordinance, or of any written amendments or revisions thereof, the General Superintendent shall file a duplicate copy of the same with the Secretary, which duplicate copy shall be available for public inspection and copying in the Office of the Secretary during normal business hours.

2. Rules and Regulations.

The General Superintendent may, from time to time, establish reasonable rules and regulations, for the use of each facility in the Park System and for obtaining permits pursuant to this chapter. Such rules and regulations shall be based on a due regard for the purpose for which the facility is established, the safety of those using the facility, of park Employees and of the public, the safety and maintenance of Park District property, the need for and the availability of supervisory personnel, and the maximum number of people who can safely use the facility at one time. Subject to the foregoing, and except as hereinafter provided, all Park District facilities may be used by members of the general public, without permit, for recreational and athletic purposes not inconsistent with the nature of the facility and the safety of the public and of Park District property.

3. Permit Requirement.

a. General.

No person shall, without a permit:

(1) conduct a public assembly, parade, picnic, or other event involving more than fifty individuals;

(2) circulate or distribute any leaflets, handbills, notices, pamphlets, books, documents or papers of any kind in any indoor facility, fieldhouse, garden, zoological garden or other special facility;

(3) conduct any exhibit, music or dramatic performance, fair, circus, concert, play, radio or television broadcast, other than a news transmission;

(4) exhibit or display any motion picture, television program, light or laser light display, or similar event;

(5) operate a vehicle, except upon a publicly dedicated street, alley, watercourse or other thoroughfare which may abut or traverse a park;

(6) create or emit any Amplified Sound, except from a radio, recorder or other device possessed and used by an individual for his/her own enjoyment and operated in such a manner so as not to interfere with the use and enjoyment by an other person;

(7) station or erect any building, tent, canopy, stand, bandstand, stage, tower, scaffold, sound stage, platform, rostrum or other structure;

(8) station or use any electrical or electronic device or equipment that would require outdoor auxiliary power;

(9) sell or offer for sale any goods or services;

(10) display, post or distribute any placard, handbill, pamphlet, circular, book or other writing containing commercial advertising matter within the Park System;

(11) bring, land or cause to ascend or descend or alight within the Park District, any airplane, helicopter, flying machine, balloon, parachute or other apparatus for aviation;

(12) conduct any sporting event;

(13) ride any Horse on any driveway, roadway, path or trail; or

(14) bring onto property a tame, non-domestic supervised and controlled or restrained animal for limited non-commercial or promotional purposes.

(b) Permits for Activities Involving More Than 500 Individuals.

No activity involving more than five

hundred individuals shall be held within two thousand five hundred feet nor within two hours of any other activity involving more than five hundred individuals.

(4) Application for Permits.

a. Filing Written Application.

(1) Special Event Permit

Any person seeking the issuance of a permit shall apply for a permit by filing a written application for permit on a form and within such time as shall be prescribed by the General Superintendent Applications involving any of the following activities shall be filed with the Region Manager for the region in which the special event is to take place, or his/her designee:

a. an event involving more than fifty individuals;

b. the sale or offering for sale of any good or service;

c. the sale or service of alcohol on Park District property;

d. advertising or commercial activities;

e. activities involving more than one park;

f. a religious or partisan political event;

g. creation or emission of any Amplified Sound, except from a radio, recorder or other device possessed and used by an individual for his/her own enjoyment and operated in such a manner so as not to interfere with the use and enjoyment by another person;

h. stationing or erecting any building, stand bandstand, stage, tower, tent, canopy, scaffold, sound stage, platform, rostrum or other structure;

(i) use of any electrical or electronic device or equipment requiring outdoor auxiliary power;

(j) bring, land or cause to ascend or descend or alight within the Park District, any airplane, helicopter, flying machine, balloon, parachute or other apparatus for aviation;

(k) riding of a Horse or Horses; or

(l) use of mechanical rides (which may be permitted only on hard surfaces).

2. Media/Motion Picture/Commercial Photography

Any person seeking the issuance of a permit for filming of a media broadcast (other than a news transmission), motion picture, or still commercial photography shall file a written application for permit with the General Superintendent or his/her designee on a form and within such time as shall be prescribed by the General Superintendent.

3. Recreational Permits

Any person seeking to reserve Park District facilities for any event involving less than fifty people and not including the items covered in paragraph 4(a)(1), above, shall file a written application with the park/playground supervisor where the event is proposed to take place on a form and within such time as shall be prescribed by the General Superintendent.

4. Special Facilities

Any person seeking the issuance of a permit for use of Park District property designated as a special facility shall file a written application for permit with the General Superintendent or his/her designee on a form and within such time as shall be prescribed by the General Superintendent.

b. Application Fee.

For any activity described in this chapter, Section C.4.a, no application for permit shall be considered unless the applicant shall have paid at the time for filing an application for permit the required application fee in an amount in accordance with the schedule of fees set by the General Superintendent and approved by the Board.

j. Indemnification and Reimbursement Agreement.

No application for permit shall be granted unless the applicant shall have executed an agreement with the Park District, on a form to be prescribed by the General Superintendent, in which the applicant shall promise and covenant to bear all costs of policing, cleaning up and restoring the park upon conclusion of the event or activity; to reimburse the Park District for any such costs incurred by the Park District; and to indemnify the Park District and hold the Park District harmless from any liability to any person resulting from any damage or injury occurring in connection with the permitted event proximately caused by the action of the permittee, the sponsoring organization, its Officers, Employees or agents or any person under their control insofar as permitted by law.

d. Security Deposit.

For any activity described in this chapter,

Section C.4.a(1) , Section C.4.(a)(2) or Section C.4.(a)(4), no application for permit shall be granted unless the applicant has paid, within the time prescribed by the General Superintendent, the security deposit in an amount in accordance with the schedule of fees set by the General Superintendent and approved by the Board. The amount of the security deposit set in the schedule of fees shall be equal to the estimated cost of policing, cleaning up, and restoring the park upon the conclusion of the use or activity. The security deposit shall be deposited by the Park District into an escrow account. Promptly after the conclusion of a permit activity, the Park District shall inspect the premises and equipment used by the permittee.

(1) If it is determined that there has been no damage to Park District Property or equipment beyond reasonable wear and tear, the security deposit shall be refunded in full within thirty (30) days of the conclusion of the permitted event.

(2) If it is determined by such inspection, that the permitted event proximately caused damage to Park District property in excess of normal wear and tear and which requires repairs in excess of routine maintenance or it is determined that fines should be assessed against the permittee pursuant to

this chapter, Section C. 7., below, the Park District shall retain the security deposit or any portion, thereof, necessary to pay for the cost repair or any fines assessed against the permittee. The General Superintendent or his/her designee shall given written notice of the assessment of damages or fine and retention of the security deposit to the permittee by personal delivery or by deposit in the United States mail, with proper postage prepaid to the name and address set forth in the application for permit. Any assessment of damages or fine in excess of the security deposit shall be paid to the Park District within ten (10) days after notice of such assessment of damages or fine is sent. Retention of all or a portion of a security deposit shall be subject to the appeal procedures contained in Section C.6., below. An assessment of damages or fine in excess of the security deposit shall be subject to the appeal procedures contained in Section B.18(b) and (c)., above.

e. Fees for Use of Park Facilities.

No application for permit shall be granted unless the applicant has paid, within the time prescribed by the General Superintendent, a user fee and any other required fee in an amount in accordance

with the schedule of fees set by the General Superintendent and approved by the Board. No application for permit shall be granted unless all required fees are paid as specified in paragraph 5(b), below.

f. Insurance.

Applicant shall procure and maintain at all times during its use of Park District property, insurance in such amounts and with such coverages as shall reasonably be required by the Park District and shall name Park District as an additional insured thereunder. The amounts and type of insurance required shall be determined by the Division of Risk Management. based upon the nature of the activity and the risk involved. The Division of Risk Management shall prepare a uniform schedule of insurance guidelines for particular types of activities. Applicant shall provide Park District with a certificate from an insurer evidencing such coverage prior to applicant's use of Park District property, and within the time prescribed by the General Superintendent. The certificate shall also provide that the insurer shall give the Park District reasonable advance notice of insurer's intent to cancel the insurance coverage provided.

g. Permits Not Transferable.

No permit or conditionally approved permit application may be transferred.

5. Processing of Application for Permits.

a. Order.

Applications for permits shall be processed in order of receipt; and the use of a particular park or part thereof shall be allocated in order of receipt of fully executed applications accompanied by the application fee.

b. Conditional Approval.

Applications for permits for activities or events which require insurance, approval or permits from other governmental entities, or compliance with other terms or conditions, will be reviewed and, if the application otherwise conforms to all other requirements, a conditional approval will be issued. If within the time prescribed by the General Superintendent, any required fee or security deposit is not paid, or an insurance certificate evidencing the requisite insurance is not filed with the Division of Risk Management, or the approval or permit of other governmental entities has not been received, or the other terms and conditions have not been met, the conditional approval will automatically expire, the application for permit will be deemed denied and no written notice of denial will be required. For events or activities which involve the use of special facilities, or activities described in this chapter, Section C.4.a. (1)(b),(c), (d), (g), (h), (i) or (j), above, all terms and conditions for issuance of the permit, including securing insurance and payment of all fees and security deposit, must be completed at least thirty days prior to the event unless a longer time period is

prescribed by the General Superintendent.

No permit shall be issued unless all applicable fees and security deposit are paid within the times prescribed by the General Superintendent. Failure to pay fees or security deposit within that time shall cause the application to be deemed denied, without further notice to the applicant.

b. Written Denials.

If no written denial or conditional approval is issued within fourteen days of the date on which a permit application is fully completed, executed and filed with the appropriate Officer or Employee, as designated by the General Superintendent, the application shall be deemed to have been granted a conditional approval pursuant to Section 6.b., above. Provided, however, the Park District may extend the period of review for an additional fourteen days by issuance of a written notice of extension. If, prior to the expiration of the extended review period, no written denial is issued, the application for permit shall be deemed to have been granted a conditional approval pursuant to Section 6.b., above.

c. Notice of Extended Review or Denial or Issuance of Permit.

Written notice of denial or notice of extension shall be served on the applicant by personal delivery, or by deposit in United States mail, with proper postage prepaid, to the name and address set forth on the application for permit.

d. Contents of Notice; Grounds for Denial.

Notice of denial of an application for permit shall clearly set forth the grounds upon which the permit was denied and, where feasible, shall contain a proposal by the Park District for measures by which the applicant may cure any defects in the application for permit or otherwise procure a permit. Where an application or permit has been denied because a fully executed prior application for the same time and place has been received, and a permit has been or will be granted to the prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular area, the Park District shall propose an alternative place, if available for the same time, or an alternative time, if available for the same place.

To the extent permitted by law, the Park District may deny an application for permit if the applicant or the person on whose behalf the application for permit was made has on prior occasions made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of prior permits issued to or on behalf of the applicant. The Park District may also deny an application for permit on any of the following grounds:

(1) the application for permit (including any required attachments and submissions) is not fully completed and executed;

(2) the applicant has not tendered the required application fee with the

application or has not tendered the required user fee, indemnification agreement, insurance certificate. or security deposit within the times prescribed by the General Superintendent;

(3) the application for permit contains a material falsehood or misrepresentation;

(4) the applicant is legally incompetent to contract or to sue and be sued;

(5) the applicant or the person on whose behalf the application for permit was made has on prior occasions damaged Park District property and has not paid in full for such damage, or has other outstanding and unpaid debts to the Park District;

(6) a fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular park or part hereof;

(7) the use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the Park District and previously scheduled for the same time and place;

(8) the proposed use or activity is prohibited by or inconsistent with the classifications

and uses of the park or part thereof designated pursuant to this chapter, Section C.1., above;

(9) the use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of the park, of Park District Employees or of the public;

(10) the applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations of the Park District concerning the sale or offering for sale of any goods or services;

(11) the use or activity intended by the applicant is prohibited by law, by this Code and ordinances of the Park District, or by the regulations of the General Superintendent; or

f. Amendment or Revision of Applications. Any amendment or revision of an application or permit shall for purposes of determining the priority of the application for permit, relate back to the original filing thereof; but the time in which the Park District shall grant or deny the application for permit and serve notice of such granting or denial shall be computed from the date of the amendment or revision.

6. <u>Procedures for Review: Waivers.</u>

a. Review by General Superintendent.

(1) Any applicant who is denied a permit or

denied a request for a waiver of user fee, security deposit, or certificate of insurance, or a permittee who has had all or a portion of its security deposit retained because it was assessed damages or a fine, pursuant to this ordinance may, within seven days of the service of notice of such determination, file a written appeal from such determination with the General Superintendent;

(2) The General Superintendent shall have seven days from the date on which the appeal was received in which to serve upon the applicant a notice that he/she has affirmed, modified or reversed the denial or retention of security deposit;

(3) Such notice shall be deemed served upon the applicant or permittee when it is personally delivered or when it is sent by United States mail, with proper postage prepaid, to the name and address set forth on the application for permit;

(4) such notice is not served upon the applicant or permittee within seven (7) days of the date upon which the appeal was filed, then the denial or retention of security deposit shall be deemed reversed.

b. Form of Appeals.

Any appeals filed pursuant to this ordinance shall state succinctly the grounds upon which it is asserted that the determination should be modified or reversed and shall be accompanied

by copies of the application for permit, the written notice of the determination of the Park District, and any other papers material to the determination.

c. Waiver of Requirements.

Any requirement for a user fee, security deposit, or certificate of insurance shall be waived by the General Counsel, if the activity is protected by the First Amendment of the United States Constitution and the requirement would be so financially burdensome that it would preclude the applicant from using Park District property for the proposed activity. Fees for equipment and services shall not be waived pursuant to this subsection. Application for a waiver of a user fee, security deposit, or certificate of insurance shall be made on a form prescribed by the General Counsel and must include an affidavit by the applicant and sufficient financial information about the applicant to enable the General Counsel to determine whether the requirement(s) would be so financially burdensome that it would preclude the applicant from using Park District property for the proposed activity. If it appears that the applicant does not have sufficient funds to satisfy the user fee requirement prior to the proposed event, but that the applicant intends to raise sufficient funds at the event, the General Counsel shall require the applicant to pay such user fee out of the proceeds of the proposed event. If no written denial is issued within fourteen days of the date on which the application for such waiver is fully completed, executed and filed with the General Counsel, the waiver request shall be deemed approved,

contingent upon the applicant complying with all other permit requirements. Denials of requests for such waivers shall be subject to the appeal procedures contained in Section 6.a, above.

7. Fines.

The violation by a permittee of the terms of his/her permit or the laws and regulations of the Park District shall subject the permittee to a civil fine of up to $500. Each day that a violation continues shall be deemed a separate violation. Such fines may be assessed against any security deposit held by the Park District on behalf of the permittee, pursuant to this chapter, Section C.4.d., above. Any assessment of fines in excess of any security deposit shall be subject to the procedures contained in Section B.18. above.

8. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance be held invalid, the remainder of this ordinance and the application of such provision to other persons or circumstances shall not be affected thereby. The Park District reserves the power to amend or repeal this ordinance at any time; and all rights, privileges and immunities conferred by this chapter or by acts done pursuant hereto shall exist subject to such power.

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